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A Study in the Failure of Reconciliation, 1774-1783

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PREFACE

First, Professor Wayne E. Stevens, and secondly, Professor R. D. W. Connor called to my attention the need for a study of the various conciliatory efforts of the American Revolution. For a subject of so much importance to the statesmen of the Revolution, its subsequent absence from the pages and discussions of the period is explainable only in the unduly prolonged post-war enmity. British historians have placed little emphasis on the significance of colonial and ministerial overtures for reunion, perhaps in the realistic belief that force alone could have thwarted a separation. Questioning the sincerity of peace offensives and not being anxious to incur the wrath of modern Whigs, who seek to perpetuate the picture of a hardhearted King, ministry, and ruling class deaf to compromise and bent solely upon the destruction of American rights, American historians have paid but cursory attention to the peace efforts. Neither side can derive singular credit or blame from this study. Yet, if either of these qualities appears in the story, the reader should remember that the responsibility for originating peace through reunion naturally lay with England; while the colonies, on the defensive, had to take the risks of rejection or acceptance. In the political gamble, England had more to lose, while America had more to gain. For England the alternative was preservation of the existing order or loss of her most valuable possession; for America, the choice was continuation under British control, with changes toward centralization, or, the glorious possibility of independence and national freedom.

The probability of a reconciliation interfered with the course of the Revolution at various points; especially did it influence the announcement of the Declaration of Independ-

ence and the formation of the Franco-American alliance. All parties in America, England, France, and Spain closely followed every peace movement to determine its immediate and future effect upon their fortunes. Reconciliation was urged and opposed largely from the angle of momentary expediency. Before 1776 the majority of Americans and Englishmen thought a reunion the wisest course; few people on either side of the Atlantic advocated a complete separation; even in 1778 men of influence still seriously debated the wisdom of the Declaration of Independence; and yet, inconsistently enough, what men in the age of the Revolution said they wanted and thought best, they were unwilling, unable, and unambitious to obtain. Both sides had known for years that a clash loomed, but neither side had done anything to avert it. The basic failure of reconciliation lay in causes running backward beyond the course of the previous decade, to those inevitable differences that arose between the British government and the American colonies throughout colonial history. Although England's colonial policy was more enlightened than that of any other nation in that age, when the bond snapped between mother country and colonial provinces precedent suggested force, not compromise, as a means of effecting a reunion.

America sought a redress of grievances until July, 1776; England offered pardons to rebels and freedom in taxation as long as America granted what Parliament thought sufficient until 1778; and each rejected with disdain the other's proposal. Then when the American leaders declared independence, colonial troops defeated Burgoyne, and France formed an alliance to destroy British world supremacy, Lord North forced George III to allow him to concede the rebels almost everything short of a full separation. The King yielded, but North's offers encountered a wall of Whig propaganda in America that made quick work of thwarting any good or bad intentions he may have had. The failure of this final effort and the rise of foreign opposition forced England to withdraw her troops from America for defense of the remainder of her possessions.

From 1778 until the end of the war an increasing number of Englishmen demanded that the government concede independence to the United States. British efforts at conciliation succeeded finally in winning the United States away from its ally long enough to frame a separate peace with the new nation.

Britain's failure to hold the thirteen American colonies taught her that compromise was necessary before events reached a critical stage. Other British provinces, such as Canada and Australia, benefited from the successful struggles of Washington's army. Plans of union similar to that of 1778 joined those countries to England before a separation occurred; and in the failure to reconcile the American colonies the principle of self-government won a great moral victory that extended around the globe. This study of reconciliation shows more than anything else the utter futility of attempting to settle any quarrel between nations or mother country and province after war has begun. After that, a reunion will be based on force, not compromise. If mankind wishes to prevent wars and preserve existing orders, it must be intelligent and alert enough to plan for peace, check in peacetime growing possibilities of conflict, and avoid the cry heard by British peace commissioners time and again: "Too late! Your offers come too late to save America."

In the evolution of this study the author is indebted primarily: to R. D. W. Connor, National Archivist, for his many suggestions and patient assistance in its preparation; to Wayne E. Stevens and Frank Maloy Anderson, Professors of History at Dartmouth College, for reading the entire manuscript; to Hugh T. Lefler, Henry M. Wagstaff, and Charles B. Robson, Professors at the University of North Carolina, for thorough criticism of every phase of the study; to Randolph G. Adams, Director of the William L. Clements Library, for wholehearted co-operation; to the staffs of the University of North Carolina Library, the Library of Congress, the Worcester Antiquarian Society Library, the Newberry Library, and the Baker

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CHAPTER I

INTRODUCTION

DIVERGING forces had created a real problem for England and her American colonies by the middle of 1774. These forces had their origin in Old World inequalities more than a century before. They had driven discontented, land-hungry people across three thousand miles of ocean to wrest from a wilderness a more abundant life. This ever expanding and deepening divergence of interests and conflict of opinion had slowly aroused increasing friction between these peoples. There was, however, more than a century of relative freedom from British interference with colonial trade and internal affairs. There were only spasmodic outbursts of colonial protests against quitrents, boundaries, salaries, appropriations, mercantilism, and a grasping British ruling class. But in 1763, Americans suddenly found themselves the center of attention. Long trained by sharp clashes in colonial legislatures with royal prerogative over vital questions touching basic rights and liberties, the articulate edge of the American people, from 1763 to 1774, turned its energies and talents to thwart a more powerful movement from the center of the empire against its right to continue unmolested in its acquisition of wealth, freedom, and power.

In the clash of this prewar decade between colony and metropolis, it was the substance of things, from which stemmed emphasis upon principle and rights, that stirred to action merchants, lawyers, printers, colonial land speculators, debt-ridden planters, frontiersmen, paper-money-loving farmers, and shippers. A sentiment for colonial union could not arise until America's grievances had touched groups and individuals in

all the colonies. Add to these factors the fear thrown into Americans by Britain's attempts to extend her control of colonial religion and her theories of government, and colonial opposition becomes readily understandable.

On the other hand, legalistic Englishmen had perfectly good reasons from their angle to tighten up the administration of the British colonial system and to attempt to obtain money from America for the support of the troops to be stationed in the colonies for protection of the territory recently acquired from France and Spain. The only thing new in George III's program was the Stamp Act and with his reluctant consent even this act was quickly repealed. The conflict that came to a head in 1774 was not caused by the King or any one individual or group. It was the result of a long train of factors some of which were much older than anyone then alive.

It is not the purpose of this study to repeat an analysis of the causes of the American Revolution or to defend any particular view or side in that war, historically or currently. This study properly begins, not when a few specific problems arose for solution—as in the case of the Stamp Act, the Townshend program, or almost endless other detailed grievances from the colonial angle—but when the full and complete question of the permanent, proper relationship between America and England had to be faced after Boston's defiance of the East India Company and the Regulating Act of 1773. When Britain answered colonial defiance and violence with the so-called "Intolerable Acts" and showed every intention of adhering at last to the policy of coercion, the colonists in turn steeled themselves for resistance against what they considered oppression. While the situation lingered, between the summer of 1774 and the spring of 1775, on the edge of war, both sides had an opportunity to make a last appraisal of their mutual benefit to each other. If not earlier, then certainly was the time for hard thinking and genuine meeting of minds. Before the plunge, a final reckoning was not adequately made or earnestly attempted. Men

could not in that day, any more than now, clearly evaluate relationships and set forth national aims in a developing crisis. Nor could they see with sufficient clarity and force the coming crisis to impress upon the government the need for redeeming action. Edmund Burke, the Earl of Chatham, David Hartley, and the many other statesmen of reconciliation were in a minority in British politics and hence had no politically effective audience.

On the other hand, in 1774, Lord North had decided that Americans, then not later, must submit to British rule. He was the leader of the party of the King's Friends and of the conservative, Tory ruling class. He acted with the full approval of the King and of the party backed by the commercial and shipping centers. The desire of George III to restore the power of the king and reduce the power of Parliament had no intentional bearing upon the American question. It was probably by accident, not design, that the King chose the American question as one upon which to test his supremacy. There was, nevertheless, greater support for the ministerial policy of coercion in 1774 than at any other time since 1760.

Not until 1778 did Lord North's government offer any plan of peace that did not run counter to colonial experience and demands. Even in the most halcyon days, the colonies would probably have rejected every official British offer made before the plan of 1778. Nor would Britain accept a return to conditions existing prior to 1763, which was the only peace proposal made officially by Congress. Obviously, before any permanent reconciliation could have been effected, both sides would have been obliged to make concessions. However, issues existed, fundamental and immediate, upon which the mother country and the colonies were diametrically opposed. First, the American colonies had long shown in most details a determination to regulate their own internal affairs. In general they had insisted upon paying the salaries of governors, judges, and other governing officials, in order to retain some control over these officers. Britain, nevertheless,

had constantly sought to standardize salaries and free these officials from colonial control by collecting funds in America to be set aside for the purpose of compensating them. In fact, the colonists wanted their own elective governor, as prevailed in Rhode Island and Connecticut. But Britain made special efforts to change the charters of these two colonies in the direction of establishing more central control over them. She tried to do this in 1776, and called it a peace proposal. These details would have needed ironing out before a solution satisfactory to both sides could have been reached.

Secondly, there was little agreement as to just how much power and authority should be centered in London over trade, commerce, and broad imperial affairs. While Americans objected little to external supervision of general imperial affairs and trade relations with Europe, since their trade naturally lay through British channels, they did seriously object to discriminations in the trade between one part of the empire and another, for example between New England and the British West Indies. Here again the central government at London followed the advice of British merchants and West Indian planters and in repeated legislation injured the economic life of New England. This question, closely tied up with a third, demanded solution.

Thirdly, although consenting indirectly to be taxed at their ports for common imperial needs, Americans opposed a direct internal tax and favored a continuation of their voluntary grants upon royal requisition. However, in 1774, the colonists informed Britain that they would forego their objections to British taxation and guarantee a fixed annual sum if Britain would surrender her rigid control of colonial trade and commerce and allow the colonies to trade with all parts of the empire and the world as their interests might dictate. England would not peacefully forego the chance to derive vast wealth from control of American commerce; but she did promise in the North plan of 1775, to allow America, through its legislatures, to agree upon a definite, fixed, an-

nual contribution. The colonies answered: Either commerce or taxation; not both. To which England replied: Commerce we must have; taxation too, but you may do the taxing. Here was again a natural impasse, for which no solution then satisfactory to either side was known. In affairs of taxation and commerce, Americans were not as willing to grant supremacy to London prior to the war as to their Congress established under the Constitution of 1787. Yet, an enduring peace demanded an answer to this problem.

In addition to the questions of internal affairs, taxation, and commerce, almost endless other conflicts between the mother country and her American colonies required adjustments if a lasting peace were to be created. Not forever could England stifle colonial industries in competition with British manufactures. Quitrents, legal fees, expensive and long-drawn-out court procedures, entails and primogeniture irritated Americans. Attempts to eliminate the American middleman—and smuggler—as in the Regulating Act of 1773, would have to yield to practices allowing the colonists greater freedom to profit from the sale of goods to the domestic American market. Threats to colonial charter rights, which had constantly kept Americans fearful for their liberties, should end, said America, and Britain should offer guarantees, a sort of Magna Charta, for the protection of colonial rights. Here again the question of local versus centralized authority hit a tough snag. Yet this question too demanded an adequate answer if peace were to endure. The broad effort to regain lost power, made by England after 1763, awakened in the colonies a clear realization of the political and economic issues at stake and of the menace to their future. Truly, they could sniff trouble in the air, and they demanded sincere, not halfhearted peace efforts.

Finally, as the crisis developed after 1774, events occurred to increase the difficulty of reaching a peaceful solution. The bloodshed at Lexington and Concord, the burning of Norfolk and Falmouth, the closing of colonial ports to all foreign

and British trade, and the increasing bitterness spread by the dislocations of war sharpened the issues. These growing resentments, common to England and America, would have to be extinguished.

Whose, then, was the responsibility for solving these problems? It is not the purpose of this study to regret or to glory in the failure of reconciliation, but it seems that the duty for initiating solutions to these and many more problems naturally lay with the British government. On the other hand, the duty of America was to consider faithfully these solutions in the light of its growing interests and to search honestly for a reasonable conclusion. The above suggestions as to the basic issues at conflict may help the reader to place in a proper perspective the various official and nonofficial peace offers analyzed in this study. It is a striking fact, which may be noted here, that until the North plan of 1778 no solution appeared which at all took into adequate consideration, by way of concession and compromise, what a permanent reconciliation made necessary.

Halfway peace measures indicate that before 1778 Britain was confused in her aims. She neither put forth her greatest military effort to subdue the rebellion, nor realized the urgent necessity for genuine and full efforts for peace. Perhaps the mother country thought she could end the rebellion more quickly by peace than by military movements; yet she sent the Howe brothers, a naval commander and a military commander, as peace negotiators. These men simply could not effectively execute simultaneously the tasks of war and peace, tasks diametrically opposed to each other. Britain, in facing a rebellion within her empire, naturally desired to end the trouble with the least possible bloodshed and friction on the part of the rebels. Her purpose was to save, not destroy the value of America to England. Destructive, humiliating, and wanton attacks and victories would merely have intensified the basic problem of a future reconciliation—making America forget the sting and shame of defeat.

The rebel leaders, however, realized only one thing—a British army was menacing their avowed freedom and they had to devise measures of resistance. At first they prepared for this resistance without sufficient thought of ultimate consequences. Then as 1775 passed and no adequate peace proposal came forth, and their own weak conciliatory gestures were somewhat unceremoniously rejected, they prepared for continued opposition and for more effective measures to secure the redress of their grievances. By 1776, when England could merely offer pardons to rebels upon their request for them, America lost all faith in a just peace, which would permit it to remain within the empire, and rapidly busied itself in declaring and winning its independence. Influential Americans, the men who might have won acceptance of a sincere proposal, now realized the hopelessness of obtaining peace and devoted their talents and energies in behalf of the cause of independence and separation from Britain. No American of power and weight bothered to draw up peace proposals after the fall of 1775, and, except for spasmodic outbursts in or near regions occupied by the British army, men of the new governing class ceased all talk of reconciliation. With the failure of the second petition to the King, they regarded their efforts as ended. In 1778, the only adequate peace plan came forth. But by then other factors had entered, the Declaration of Independence, the Franco-American alliance, and the taste of military victory, which gave the rebels confidence in the ultimate triumph of their cause. Britain realized the seriousness of her failure to push her military activities and to seek a real peace too late to succeed at either.

Perhaps the final, definitive answer as to why Britain waited until it was too late, as to why reconciliation failed, will never be available. Contemporary documents do not sufficiently answer this question. Only by a process of deduction, based on implications and highly tenuous evidence, can any concrete answer be given. The "why's" of history are more interesting and significant than the facts; but the latter,

inaccessible and uncertain as they often are, are less difficult to ascertain. It seems that the real failure of reconciliation lay in forces existing decades before 1774. If men had been so blind as to allow affairs to reach a crisis, could they then overnight find a solution for it? If not, the answer then lay in war, foreign alliances, and rugged persistence. How could a British ruling class possibly frame and execute an enduring reconciliation, when it could scarcely comprehend the basic issues sufficiently to see the colonial side? This study in human failure is highly valuable as a warning to the future. Peace efforts after war has begun will never succeed until one side is convinced that it cannot win a military victory. However, wholly apart from success or failure, the peace efforts did affect the course of the history of the American Revolution.

CHAPTER II

AMERICAN PROPOSALS, 1774–1775

THE British government did not pursue a consistent colonial policy after 1763. Unfortunately, her ministers failed to realize clearly that their greatest problem was the reconciliation of centralized imperial control with colonial home rule.[1] They vacillated between coercion and conciliation. While the Whigs, split asunder and in opposition, naturally favored compromise, the King and Tories after 1774 favored coercion. No ministry was strong or perhaps willing enough to push matters to an extreme. Not until the fourth year of Lord North's ministry did he decide for coercion. In office until 1782, he was a skillful debater, a tactful manager of the House of Commons, and a man of no mean ability; but he lacked resolution. More loyal to his King than to his country, he allowed himself to become the docile tool of his master. He saw where the policies of George III were leading England, but he had neither the courage to oppose his King, nor the determination to resign from his unbearable position until it was too late to redeem the colonies.

While England wavered between coercion and conciliation, the American colonies drew more closely together. A sentiment for union developed slowly and reached fruition September 5, 1774, in the First Continental Congress. There was widespread disagreement among the delegates over the purpose of the Congress. The radical extremists of Massachusetts, South Carolina, and Virginia worked solely to prepare for the defense of American rights. Whatever support

[1] Arthur M. Schlesinger, "The American Revolution Reconsidered," in *Political Science Quarterly* (New York, 1886–), XXXIV (1919), 61–78.

they gave to the efforts for reunion was given to avoid the criticism that they would have their way or nothing. On the other hand, the extreme friends of Britain from Pennsylvania and New York insisted that the Congress was called mainly to effect a reconciliation with the mother country. This group, however, also wanted to secure guarantees from Britain against future aggression and inroads upon American rights. Between these extremes lay the majority sentiment of the Congress. This is evident from the fact that the Congress adopted the first petition to the King and the Continental Association, measures designed to effect a reunion and also to safeguard American liberties. It is significant to note that the various colonies in their instructions to their delegates to the Continental Congress relied much upon the possibility of a reunion.[2]

New Hampshire directed its delegates to support measures to end the present difficulties, perpetuate colonial rights and liberties, and "to restore that peace, harmony, & mutual confidence which once happily subsisted between the parent country and her Colonies." [3] Massachusetts delegates were to aid the "restoration of union & harmony between Great Britain and the Colonies, most ardently desired by all good men." [4] The members from Rhode Island were to obtain a repeal of the several acts of Parliament taxing America without its consent, and to agree upon "proper measures to establish the rights and liberties of the Colonies, upon a just and solid foundation," [5] while those from Connecticut were

[2] Correspondence of various colonies with Virginia in which this conciliatory purpose was stressed is found in John P. Kennedy (ed.), *Journals of the House of Burgesses of Virginia*, 1773–1776 (Richmond, Va., 1905), 51–59. See also, Joseph Galloway, "Extracts of the Instructions to the Representatives of the different Colonies in Congress, September 1774," in *Letters to a Nobleman*, in *American Tracts*, 3 vols. (New York and London, 1775 and 1780), II (London, 1780), 95–98.

[3] This resolution is to be found in Worthington C. Ford and Gaillard Hunt (eds.), *Journals of the Continental Congress, 1774–1789*, 25 vols. (Washington, 1904–1922), I, 15.

[4] *Ibid.*, 16. [5] *Ibid.*, 17.

to aid measures "for advancing the best good of the Colonies." [6] Even more emphatically Pennsylvania declared for conciliation. Congress should assemble immediately

to consult together upon the present unhappy State of the Colonies, and to form and adopt a plan for the purposes of obtaining redress of American grievances, ascertaining American rights upon the most solid and constitutional principles, and for establishing that Union & harmony between Great-Britain and the Colonies, which is indispensably necessary to the welfare and happiness of both.[7]

Delegates from Maryland were to help "effect one general plan of conduct, operating on the commercial connexion of the colonies with the mother country, for the relief of Boston, and preservation of American liberty." [8] Virginia extended its instructions beyond those of Maryland to demand security from "the ravage and ruin of arbitrary taxes, and speedily as possible to procure the return of that harmony and Union, so beneficial to the whole Empire, and so ardently desired by all British America." [9] Other colonies by implication anticipated a reconciliation through their avowed desire for repeal of certain specified acts of Parliament.

Though one of the chief purposes of the Congress was to secure a reconciliation, its members were far from unanimity. It met behind closed doors and enforced the closest secrecy, lest the public should discover a want of harmony in its proceedings. Three political factions added zest and color to the sessions in Carpenters' Hall, Philadelphia. The radicals of New England, South Carolina, and Virginia favored forcible resistance to the punitive acts of Parliament and recommended an immediate attack on General Gage in Boston. They did not believe the King and his ministry desired a reconciliation on terms acceptable to the colonists, and denied the legislative authority of Parliament over the colonies. The radicals would make no effort at reconciliation; if the King and his ministry sincerely desired peace, they

[6] *Ibid.*, 18. [7] *Ibid.*, 20. [8] *Ibid.*, 23. [9] *Ibid.*

would have to offer their own plan. Massachusetts delegates, whatever their thoughts concerning independence, kept them concealed.

The chief support of the most extreme conservatives, led by Joseph Galloway of Pennsylvania, came from New York and Pennsylvania. Alarmed by the ideas of the radicals, they wished to close, not to widen, the breach. However, they had little influence in Congress. The moderates, led by John Dickinson of Pennsylvania, judging from the support their conciliatory measures received, most accurately represented the majority opinion. However, Dickinson and Galloway were probably more sincere and agreed upon the wisdom of a reconciliation than were Samuel Adams and the extreme radicals. Men of all sections and shades of opinion supported the peace efforts initiated by the moderates in the First Continental Congress.

Congress appointed a committee, September 6, "to state the rights of the Colonies in general, the several instances in which these rights are violated or infringed, and the means most proper to be pursued for obtaining a restoration of them." [10] A report was brought in under this resolution on September 22 and read. On September 24, however, it was voted "That the Congress do confine themselves, at present to the consideration of such rights only as have been infringed by acts of the British parliament since the year 1763, ..." [11] A report in accordance with this vote in turn being brought in and read, further consideration was postponed while Congress discussed the means for a restoration of colonial rights. On October 14, Congress signed in its final form the Declaration of Rights,[12] which listed the grievances caused by acts of Parliament passed since 1763, asserted the rights of Americans, and contained provisions for nonimportation, nonconsumption, and nonexportation agreements;

[10] *Ibid.*, 26.

[11] *Ibid.*, 42. Congress limited its action to the period after 1763 because the colonists had made little protest before that year.

[12] *Ibid.*, 63–73.

for the preparation of an address to the people of Great Britain, and a memorial to the inhabitants of British America; and for the preparation of a petition to the King, agreeable to the resolutions already adopted.

Concurrent with the formation of this document evolved the Continental Association, calling upon the people to establish strict measures of enforcing a rigid economic boycott of British goods. It was completed on October 20. Certainly the passage of such a powerful measure indicated how little reliance Congress placed on more peaceful attempts to secure the redress of grievances. Then, as now, men prepared definitely for resistance, while they talked vaguely and indifferently of peace. This psychological factor of uncertainty of support for any peace program and the seeming sanity of defense efforts constantly hampered the success of the peace advocates. Perhaps men cannot prepare simultaneously for war and peace. The tragic example of history places preparation for war first.

The essential feature of the plan of reconciliation advocated by the moderates and grudgingly approved by the radicals was a return to conditions that existed before 1763. "Prior to this era," they said in their address to the British people, "you were content with drawing from us the wealth produced by our commerce." [13] The Continental Association declared "that the present unhappy situation of our affairs is occasioned by a ruinous system of colony administration, adopted by the British ministry about the year 1763." [14] "Re-

[13] *Ibid.*, 84.

[14] *Ibid.*, 76. The "ruinous system" was prosecuted by various acts of Parliament "for raising a revenue in America, for depriving the American subjects, in many instances, of the constitutional trial by jury, exposing their lives to danger by directing a new and illegal trial beyond the seas, for crimes alleged to have been committed in America: and in prosecution of the same system, several late, cruel, and oppressive acts have been passed, respecting the town of Boston and the Massachusetts Bay, and also an act for extending the province of Quebec, ..." *Ibid.* In short, what America really wanted was no "system" at all, because before 1763 no effective system of colonial administration was in force.

store us to that state in which both countries found happiness and prosperity," [15] recommended the Declaration of Rights; while the Address to the People of Great Britain asserted: "Place us in the same situation that we were at the close of the last war, and our former harmony will be restored." [16] Referring to the spirit of coercion rising in Great Britain and defending the weapons of nonimportation and nonexportation, the Memorial to the British Colonies in North America insisted that the chosen method of opposition "does not preclude a hearty reconciliation with our fellow-citizens on the other side of the Atlantic. We deeply deplore the urgent necessity that presses us to an immediate interruption of commerce, that may prove injurious to them." [17]

A genuine and sincere spirit of reconciliation showed itself in these assertions. They embodied the plan advocated by Dickinson, but his fellow Pennsylvanian, Galloway, thought that neither the economic weapon of nonimportation and nonexportation nor a return to the conditions prior to 1763 would be effective in bringing about reconciliation. Galloway, therefore, accepted neither of these proposals. Though loyal and obedient to the King, he opposed ministerial direction of the colonies. He thought, as did many people in the middle and southern colonies, that the solution lay in a closer, not a looser, union with Great Britain. He rejected both plans then before Congress as being indecisive, as tending to mislead both countries, and as laying the ground for further discontent and quarrel. A return to the basis of 1763 was indecisive, because it showed no ground of complaint, asked for a restoration of no rights, settled no principles, and contained no plan of conciliation. A nonimportation and nonexportation agreement was an insult to the supreme authority of Great Britain, and, furthermore, would ruin the colonies as well as stagnate the trade and commerce of the mother country.

[15] *Ibid.*, 73. [16] *Ibid.*, 89. [17] *Ibid.*, 100.

Galloway offered his plan of union September 28.[18] He admitted that it was but an outline which would require many additions if it won approval.[19] Next to American representation in Parliament he considered it the best possible solution and added that no one who remained at all loyal to Britain could oppose it.[20] Asserting that the colonies by reason of their local circumstances could not be represented in Parliament, he proceeded to unfold his scheme. A Grand Council of members from every colony was to be set up in America "for regulating the administration of the general affairs of America, ..." Each colony was to retain its constitution and the regulation of its own internal police. Delegates to the Grand Council were to be chosen triennially by the assemblies of the several colonies to meet at least once every three years—oftener if necessary. The Grand Council could elect its own speaker, who should have the same rights and privileges as those exercised by the speaker of the British House of Commons. The chief executive was to be a President General, appointed by the King, to hold office during the King's pleasure. His consent was necessary to all acts of the Grand Council and his duty was to execute the laws. The President General and the Grand Council were to be an inferior and distinct branch of the British Parliament. With the advice and consent of the Grand Council the President General was to regulate and administer general colonial affairs, "in which Great-Britain and the colonies, . . . are in any manner concerned, as well civil and criminal as commercial."[21] Acts passed either in the Grand Council or in Parliament, to be valid, had to be approved by the other, except that in war-

[18] For his plan of union and his discussion see *ibid.*, 49–51. See also, Joseph Galloway, *A Candid Examination of the Mutual Claims of Great-Britain, and the Colonies:* in *American Tracts,* I (New York, 1775), 50 *et seqq.;* and *Historical and Political Reflections,* in *American Tracts,* III (London, 1780), 70–81.

[19] Galloway, *Historical and Political Reflections,* 80.

[20] *Ibid.,* 81.

[21] *Journals of Congress,* I, 50.

time all aid bills adopted by the Grand Council were valid without the assent of Parliament.

In introducing this plan, Galloway reviewed the reasons why Parliament since 1763 had passed the acts of which the colonies complained. Faced by the costly problems of the protection and defense of the colonies during the Seven Years' War, it was only reasonable that Parliament should ask and expect America to share the expense. The occasion required this aid, "And yet, not knowing their wealth, a generous tenderness arising from the fear of doing them injustice, induced Parliament to forbear to levy aids upon them— It left the Colonies to do justice to themselves and to the nation." [22] At times the colonies had granted liberal aids, but at other times, nothing. None of them gave equitably in proportion to their wealth. All that granted aids, he believed, acted from selfish reasons and gave only in proportion to the remoteness of the enemy. The lack of some supreme power to determine the respective proportions and to overrule the particular passion and interests of the several colonies caused these delinquencies. Galloway begged the members of Congress to pursue the peaceful policy of reconciliation, and to use every effort to further a closer union with the mother country.

> I would therefore acknowledge the necessity of the supreme authority of Parliament over the Colonies, because it is a proposition which we cannot deny without a manifest contradiction, while we confess that we are subjects of the British Government; and if we do not approve of a representation in Parliament, let us ask for a participation in the freedom and power of the English constitution in some other mode of incorporation.[23]

Galloway offered his plan after secret consultations with Lieutenant Governor Cadwallader Colden of New York and Governor William Franklin of New Jersey. George Bancroft, the historian, whose sympathies lay with the more radical

[22] *Ibid.*, 45. [23] *Ibid.*, 47.

element referred to the scheme as being insidious,[24] but this was not a fair statement. Galloway had the support of a number of individuals who at this early date did not agree with the more radical members of Congress.

James Duane and John Jay of New York supported Galloway, while Patrick Henry and Richard Henry Lee of Virginia joined the New England delegates in opposition. The debates were long and warm.[25] The plan was entered in the journals of the Congress, with an order referring it to future consideration; yet Congress not only refused to resume its consideration, but directed both the plan and the order to be erased from the minutes, so that no vestige of it might appear there.[26]

Before the vote on this plan, Washington recorded that he "spent the afternoon with the Boston gentlemen." [27] To one biographer of Samuel Adams that could mean only one thing —the chief Virginians and Bostonians, by previous agreement, had united to defeat the proposal, even before it came into Congress.[28] The proposal would have guaranteed Americans against measures like the Stamp Act. It held much promise of success, especially in America, but the radicals were probably afraid to run the risk of submitting it to their home governments for approval. Thus, to avoid the humiliation of a close vote and to create an impression of strength and unity, they ordered all mention of it to be erased from the records.[29]

In defeating the proposal, the overruling influence of Samuel Adams was widely felt. He apparently managed the

[24] George Bancroft, *History of the United States,* 6 vols. (New York, 1897), IV, 70.

[25] Charles F. Adams (ed.), *The Works of John Adams,* 10 vols. (Boston, 1850–1856), II, 387–91.

[26] *Ibid.,* and in *Journals of Congress,* I, 51 n.1.

[27] From his Diary, September 28, 1774, in Worthington C. Ford (ed.), *The Writings of George Washington,* 14 vols. (New York, 1889–1893), II, 438.

[28] Ralph V. Harlow, *Samuel Adams, Promoter of the American Revolution* (New York, 1923), 237–38.

[29] *Journals of Congress,* I, 51 n.1.

radical factions in Massachusetts and in Congress, and called on the former to do or say something to awaken Congress from its inactivity. Under his direction a continual express traveled between Philadelphia and Boston, in which Paul Revere and many others added to their equestrian renown. He was so effective at arousing the "masses" in Philadelphia that Galloway and his supporters, awed into silence by threats of mob violence, felt it unsafe to pursue their measures further. It is doubtful that Adams ever intended actual physical violence, but probably wished to show the limited influence of Galloway's faction.[30] The radicals discredited Galloway's proposal as a Loyalist scheme to prevent effective action in defense of American interests. This radical assertion was simply the old and facile charge of the aggressor of great vanity, "if you're not with me, you're against me." By the time the petition to the King was agreed upon, events had weakened its good effect. For some time Boston had in reality, if not by open declaration, been in a state of siege and Congress felt that some expression of sympathy ought to be sent to that town.[31] The problem was how to draft a strong resolution of sympathy which would not destroy the good effects of the Declaration of Rights and the intended petition. On October 8, Congress, alarmed by rumors that hostilities had already begun in Massachusetts, passed the following resolution:

That this Congress approve of the opposition by the Inhabitants of the Massachusetts-Bay, to the execution of the late acts of Parliament; and if the same shall be attempted to be carryed into execution by force, in such case all America ought to support them in their opposition.[32]

[30] Galloway, *Historical and Political Reflections,* 67. See also, William V. Wells, *The Life and Public Services of Samuel Adams,* 3 vols. (Boston, 1865), II, 229–30.

[31] *Journals of Congress,* I, 58.

[32] *Ibid.* See also, Charles J. Stillé, *The Life and Times of John Dickinson, 1732–1808,* in Historical Society of Pennsylvania, *Memoirs,* 2 vols. (Philadelphia, 1891), I, 138.

This resolution met with strenuous opposition. The Pennsylvania delegates feared that its adoption would check a reconciliation. The moderates from all the colonies resented being prematurely forced into an undesired war. Galloway and Duane spoke vigorously against the motion.

In the midst of this discussion, George Ross of Pennsylvania boldly moved that Massachusetts be left to her own fate. Galloway seconded the motion, but the feeling of sympathy for Boston and the necessity of union were too strong. Ross's proposal was defeated.[33] This vote had an unfavorable effect on George III and caused him to doubt all the professions of loyalty made by Congress.[34] A declaration to aid with an armed force persons in rebellion against the King was irreconcilable with an avowal of friendly attachment and obedience to him. Furthermore, the vote of sympathy proved to be the result of a false alarm. On October 11, Congress sent a letter to General Gage, complaining of his supposed acts of hostility,[35] to which, on October 20, he replied:

> There is not a single gun pointed against the town, no man's property has been seized or hurt, except the king's, ... No troops have given less cause for complaint, and greater care was never taken to prevent it; and such care and attention was never more necessary from the insults and provocations daily given to both officers and soldiers. The communication between the town and the country has been always free and unmolested, and is so still.[36]

Congress's hasty action weakened its conciliatory declarations.

On October 26 Congress agreed upon the petition to the King and the Address to the Inhabitants of Great Britain. Each of these contained a statement of colonial grievances

[33] John Adams to Edward Biddle, December 12, 1774, in *Journals of Congress*, I, 60n.

[34] For this account see Stillé, *Life of John Dickinson*, I, 138.

[35] *Journals of Congress*, I, 60–61.

[36] *Ibid.*, 114–15. See also, Stillé, *Life of John Dickinson*, I, 139–40.

and a request for their removal. In essence the solution solicited a return to pre-1763 conditions. To conciliate the Rockingham Whigs, the petition to the King ignored the Declaratory Act; to conciliate Chatham, it clearly acknowledged the right of Parliament to pass acts for the regulation of trade.[37] The petition declared:

> we present this petition only to obtain redress of grievances and relief from fears and jealousies occasioned by the system of statutes and regulations adopted since the close of the late war, for raising a revenue in America— . . . , by the abolition of which system, the harmony between Great-Britain and these colonies so necessary to the happiness of both and so ardently desired by the latter, and the usual intercourse will be immediately restored.[38]

This petition was sent to England, received by the King, and referred to the House of Commons, where it was thrown into a bundle labeled "American Papers" and left for the scrutiny of future historians.[39] The British ministry thought American professions were false, and George III induced a majority of the cabinet to reject all conciliatory propositions. Lord North wished to pursue a more peaceful policy, but was silenced for a time.[40]

Great Britain now knew what America wanted, and, if the ministry could have had the insight adequate to the occasion, it would have discovered that only two courses were available—a policy of coercion or of reconciliation. The ministry had to choose one of these immediately and follow it consistently. This crisis Dickinson realized when he wrote the day after Congress adjourned that "the Colonists have now taken such grounds that Great Britain must relax, or inevitably involve herself in a civil war, ... I wish for peace

[37] Lord Edmond Fitzmaurice, *Life of William Earl of Shelburne,* 2 vols. (London, 1912), I, 476–77.

[38] *Journals of Congress,* I, 120.

[39] Stillé, *Life of John Dickinson,* I, 142.

[40] Fitzmaurice, *Life of William Earl of Shelburne,* I, 476–77.

ardently; but must say, delightful as it is it will come more grateful by being unexpected." [41]

Nor were the reports of British officers in America to their superiors at home any more encouraging. From the first the ministry experienced great difficulty in following the course of events in America. Payment for the tea destroyed at Boston, which General Gage had heard was to be made, might form the basis for a reunion. Boston radicals pushed matters to extremes in the belief that the rest of America would help the New England colonies, "which they flatter themselves are alone sufficient to withstand all the Force of Great Britain." [42] Vainly, he tried to discover some willingness to return to British control, but his very presence increased colonial anger. He could but report that the whole continent favored Boston, and, led by Massachusetts, had begun to prepare for war. If Englishmen planned to resist colonial force, they should do so in a big way, by sending twice as many men as they thought necessary:

> A large Force will terrify, and engage many to join you, a middling one will encourage Resistance, and gain no Friends. The Crisis is indeed an alarming one, & Britain had never more Need of Wisdom, firmness, and Union than at this Juncture. I sincerely wish a happy End to these Broils, ...[43]

After Congress revealed its program, Gage told Lord Dartmouth, secretary of state for the colonies, that moderation had been prescribed, but the more aggressive leaders opposed conciliation and flew to "extremitys." [44]

[41] John Dickinson to Arthur Lee, Oct. 27, 1774, in Edmund C. Burnett (ed.), *Letters of Members of the Continental Congress*, Vols. I–VI (Washington, 1921–1933), I, 83.

[42] Thomas Gage to Lord Dartmouth, October 30, 1774, in Clarence E. Carter (ed.), *The Correspondence of General Thomas Gage with the Secretaries of the State . . . , 1763–1775*, in the *Yale Historical Publications*, 2 vols. (New Haven, 1931–1933), I, 381. Hereafter cited as *Gage Correspondence*.

[43] Gage to Lord Barrington, November 2, 1774, *ibid.*, II, 659.

[44] *Ibid.*, I, 388.

Gage thought that if the quarrel could have ceased for a while, reflection might have effected a renunciation of radical leadership. Englishmen repeatedly sought some way to drive a wedge between Congress and the American people. Gage reported a hope, not a fact, when he added in a letter to Lord Dartmouth that the colonial press had already placed in the limelight the conduct of the colonial leaders, exposed the absurdity of the measures of the Congress, and impaired the "Impression of high Importance, which the Congress had made upon People's Minds." [45] Yet, Gage failed to get the people of Boston to declare themselves Loyalists:

> They give for Excuse that they must first know the Resolutions from home on all that has passed in this Country, and that it's time to declare, when they are assured that the Mother Country will not relax, but resolve to pursue her Measures. . . .
>
> The Eyes of all are turned upon Great Britain, waiting for her Determination; and it's the opinion of most People, if a respectable Force is seen in the Field, the most obnoxious of the Leaders seized, and a pardon proclaimed for all other's, that Government will come off Victorious, and with less Opposition than was expected a few Months ago.[46]

As the year wore on, Gage's faith in colonial desire for reconciliation declined. He tried hard to prevent measures that would make a peace by negotiation impossible; he also tried unsuccessfully to drive a wedge between the people and Congress. The people placed great faith in their leaders and accepted so implicitly the new doctrine "that all Authority is derived from them, that it may be doubted whether Government can ever revert again into its old Channel without some Convulsion." [47]

After the clash at Lexington, Gage's hopes of averting war vanished: "I see no Prospect of any Offers of Accomodation and have therefore issued a Proclamation for the Exercise of

[45] Gage to Dartmouth, January 18, 1775, *ibid.*, 390.
[46] *Ibid.*
[47] Gage to Dartmouth, March 28, 1775, *ibid.*, 395.

the Law Martial." [48] He thought the colonists failed to discern the truth of the situation; blind and prejudiced, they could not see that they had exchanged liberty for tyranny. No reason explained popular submission; the people erected their own tyranny, "as they believe, to avoid greater Evils." [49]

Briefly, Gage summed up the case: the rebel leaders wanted to dictate their own peace and ever aimed solely at a separation; debates in Congress showed that the mild second petition to the King met a stubborn and persistent opposition; the rebel troops were well fed, but poorly clothed and paid; letters from England and British newspapers constantly encouraged rebellion; many colonists thought the rebels could not last another year; Britain could rely on nothing but force to procure even decent peace terms; and, "if it was ever Necessary to obtain Peace thro' the Means of War, it is highly so in the present Juncture." [50] Earlier, Gage had declared that Massachusetts aimed at independence, only pretended opposition to taxation, and tried to deceive England into believing that colonial opposition was directed against the ministry, not the nation. However, their quarrel was with the nation "on whose Ruins they hope to build their so much Vaunted American Empire, and to rise like a Phoenix out of the Ashes of the Mother Country." [51]

Other Englishmen in America similarly advised the ministry. John Burgoyne, sent to America to reinforce General Gage, asserted that whatever party in America fathered the rebellion, all parties in England nursed it into manhood.[52] After reading intercepted letters of the rebel leaders, Sir Henry Clinton wondered if the ministry would admit that

[48] Gage to Dartmouth, June 12, 1775, *ibid.*, 405.

[49] Gage to Dartmouth, June 25, 1775, *ibid.*, 408.

[50] Gage to Dartmouth, October 15, 1775, *ibid.*, 422.

[51] Gage to Dartmouth, August 20, 1775, *ibid.*, 412.

[52] John Burgoyne to Lord Germain, August 20, 1775, in the Sackville Manuscripts, 1775–1777 (William L. Clements Library, Ann Arbor, Mich.). The collection covers the period 1743–1784.

America always aimed at independence. New England had always planned for it, but

> the lenity, the forbearance, nay the Blunders of Govt. have Contributed to bring it forward; but there it was; not that I think if England is in earnest they will carry their point; America may be crushed; there are many ways of doing it; their own Jealousys heart burnings pride, &c. would operate; . . . .[53]

Thus ran the advice which guided the ministry three thousand miles away, in framing an American policy. Such counsel ignored reconciliation; it relied upon force.

The First Continental Congress disappointed many, for the Continental Association was certainly not a conciliatory measure. One group of discontented citizens of Connecticut resolved that it was their understanding that Congress was constituted to restore harmony with Great Britain and remove the King's displeasure toward the American people; "whereas on the contrary, some of their resolutions appear to us immediately calculated to widen the present unhappy breach, counteract the first principles of civil society, and in a great degree, abridge the privileges of their constituents." [54]

From the rejection of the petition to the King in 1774 to the middle of the year 1775, the movement for independence slowly gained momentum. At the First Continental Congress the idea of independence had been carefully kept in the background. The clash between those who emphasized reconciliation as a solution and those who put their faith in things stronger than petitions and verbal protests continued when the Second Continental Congress met May 10, 1775. Neither side, however, sought to push matters to extremes for weeks to come. Although war had already begun at Lexington and Concord on April 19, 1775, the most extreme patriots

[53] Henry Clinton to Thomas Carter, August 19, 1775, in the Sir Henry Clinton Manuscripts (210 vols., William L. Clements Library), II.

[54] From the people of Reading, Connecticut, to Rivington's *New York Gazetteer*, February 23, 1775.

made no plea for independence. Resistance to British force was another question, however, and the Congress spent much time debating plans and details of colonial defense.

At this point appears one of the explanations of the failure of reconciliation. Without definite aim of future independence, colonial statesmen who might have effected a return to Britain were absorbed with affairs of the moment, of minute detail, of preparation for military resistance, of preparation for leadership of a rebellion to redress specific grievances, of preparation of plans to boycott British goods. Daily preoccupied with rebellion, men of influence naturally postponed thoughts of peace. In view of the failure of statesmanship of more recent times to effect, with modern means of action, peaceful solutions of international crises or internal strife after war has begun, is it any wonder that men of the eighteenth century could not do so? The statesmanship of reunion naturally yielded to the statesmanship of war and defense. Either war or peace must be uppermost in the minds of statesmen. Both cannot. The New Englanders and their radical friends could not in the summer of 1775 foresee the events of 1776; but they were much less certain that a peaceful solution could be found than were the more moderate delegates, and they were much more anxious to get on with measures of resistance. After all, New Englanders were already getting a taste of war.

Not until the King refused to receive the second petition and called the Americans "rebels" did the movement for independence receive any open support.[55] By 1775, the radicals had only a few more months to wait, before they openly assumed the leadership in Congress. That reconciliation was an important issue in the Second Continental Congress was shown in the declarations and discussions of that body. In the "Declaration on Taking Arms," after listing the grievances

[55] For an excellent summary of contemporary opinion see John H. Hazelton, *The Declaration of Independence—Its History* (New York, 1906), 13–19, 367. See also, Burnett, *Letters of Members of . . . Congress*, I, xxii, 131, 132, 191.

felt against Britain and stating the determination of America to resist them, Congress avowed:

Lest this declaration should disquiet the minds of our friends and fellow-subjects in any part of the empire, we assure them that we mean not to dissolve that Union which has so long and so happily subsisted between us, and which we sincerely wish to see restored.[56]

Necessity had not yet forced America into that desperate measure. Armies were not raised with the ambitious design of separating from Great Britain and setting up independent states:

We fight not for glory or for conquest. We exhibit to mankind the remarkable spectacle of a people attacked by unprovoked enemies, without any imputation or even suspicion of offence. They boast of their privileges and civilization, and yet proffer no milder conditions than servitude or death.[57]

Again Congress repeated in a second Address to the Inhabitants of Great Britain that it professed "Submission to the several Acts of Trade and Navigation, passed before the Year 1763. . . ." [58] It expressed the hope that Parliament would repeal the acts injurious to the colonies passed since then. It was well that Congress left such loopholes open for a reconciliation. The task of carrying on a war against the greatest nation then in existence was no minor affair, and it demanded the highest abilities and the greatest energy and resources. In the debate on the state of American trade, John Zubly of Georgia declared:

We must have a reconciliation with Great Britain, or the means of carrying on the war; . . . . A republican government is little better than government of devils. I have been acquainted with it from six years old. We must regulate our trade, so as that a reconciliation be obtained, or we enabled to carry on the war.[59]

[56] Document of July 6, 1775, in *Journals of Congress,* II, 155.

[57] *Ibid.,* 155–56.

[58] Address to the Inhabitants of Great Britain, July, 1775, *ibid.,* 168.

[59] Debate of October 12, 1775, found in John Adams's "Notes of Debates," *ibid.,* III, 491.

He favored a reconciliation, but felt if war was to come America should set a definite goal and work for it. Obviously, America could not simultaneously work for reunion and prosecute a war. Others agreed with Zubly. The need for ammunition, forces, and intelligence should awaken Congress to concrete facts, and enable it to charter its course accordingly.[60] The issue was still open. An offer of dominion status, or freedom over internal affairs, such as Burke or Chatham had proposed in Parliament, would have found willing ears in America.[61]

Franklin, who had arrived at Philadelphia from London on May 5, 1775, was the next day elected to Congress from Pennsylvania. At some time during the first few days he was there he proposed that the thanks of the Congress be extended to Chatham, Burke, and David Hartley for their kind attempts to settle the dispute between the colonies and the mother country.[62] This move Dickinson of course favored. Despite his gloomy apprehensions from the failure of the first petition, he did not despair of effecting a peaceful solution of the troubles and advocated a second petition to the King. A majority of the delegates again sanctioned his policy of conciliation. Dickinson and his friends supposed that the King and ministers had learned their lesson from Lexington and Bunker Hill, but John Adams thought that the dignity and pride of Great Britain would not tolerate another vacillation toward reconciliation. Thus a second petition would be a useless gesture, evidence of colonial fear and weakness.[63]

[60] From a speech by Samuel Chase, a delegate from Maryland, in debate of October 12, 1775, *ibid.*, 501.

[61] The reply of the Virginia House of Burgesses of June 10, 1775, to Lord North's proposal noted Parliament's objection to Lord Chatham's peace offering and stated that it, combined with the terms of Congress, "would have formed a basis for negotiation which a spirit of accommodation on both sides might perhaps have reconciled." *Journals of the House of Burgesses of Va., 1773–1776,* p. 213.

[62] Dated as May, in Burnett, *Letters of Members of . . . Congress,* I, 105.

[63] The feeling was growing that all such petitions were futile. For an opinion concerning this, see the Boston *Gazette,* July 31, 1775.

But Congress relied very much on the wisdom of Dickinson, "and it is possible that it was not without a wish to administer a rebuke to those who they knew were planning for immediate independence." [64]

Charles J. Stillé, the biographer of Dickinson, probably exaggerates the influence of his subject upon the Congress, but the fact that Dickinson was the chief spokesman of reunion and that he wrote the second petition, approved by the Congress, reveals his importance as a peace advocate. No other delegate so consistently pleaded for a peaceful solution and no other delegate received greater consideration when speaking for reunion than he did. Dickinson protested against Jefferson's original draft of the petition, because he thought it was filled with too many offensive statements. Jefferson wrote of Dickinson:

> He was so honest a man, and so able a one, that he was greatly indulged even by those who could not feel his scruples. We therefore requested him to take the paper, and to put it into a form he could approve. He did so, preparing an entire new statement, and preserving of the former only the last four paragraphs and the half of the preceding one. We approved and reported it to Congress.[65]

However, the second petition enraged New England and brought on a debate which showed all the bitterness of sectional jealousies. Denounced vehemently by Major John Sullivan of New Hampshire, Dickinson lost his head, rushed out of the hall in a great passion, and later upon meeting John Adams walking with a friend in the Statehouse yard, suddenly cried out:

> 'What is the reason, Mr. Adams, that you New-Englandmen oppose our measures of reconciliation? There now is Sullivan, in a long harangue, following you in a determined opposition to our

[64] Stillé, *Life of John Dickinson*, I, 158.

[65] For the above letter of Jefferson to Lord Sterling, July 4, 1775, and the comments on the second petition to the King, see the discussion for July 4–6 in *Journals of Congress*, II.

petition to the King. Look ye! If you don't concur with us in our pacific system, I and a number of us will break off from you in New England, and we will carry on the opposition by ourselves in our own way.' [66]

To which Adams replied:

Mr. Dickinson, there are many things that I can cheerfully sacrifice to harmony, and even to unanimity; but I am not to be threatened into an express adoption or approbation of measures when my judgement reprobates. Congress must judge, and if they pronounce against me, I must submit, as, if they determine against you, you might acquiesce.[67]

Stillé thinks it unlikely that Dickinson ever threatened to withdraw from Congress if he could not have his way. It was foreign to everything else he ever did. Yet his action so ruffled Adams that, in writing to a friend, he could not refrain from referring to the incident in these words:

A certain great fortune and piddling genius, whose fame has been trumpeted so loudly, has given a silly cast to our whole doings. We are between hawk and buzzard. We ought to have had in our hands, a month ago, the whole legislative, executive, and judicial of the whole continent, and have completely modelled a constitution; to have raised a naval power, and opened all our ports wide; to have arrested every friend of government on the continent and held them as hostages for the poor victims in Boston, and then opened the door as wide as possible for peace and reconciliation.[68]

[66] Charles F. Adams, *Works of John Adams,* II, 410. Unfortunately the "Autobiography," and, in fact, the entire work fails in many cases to give dates. As a result the only chronological guide is the text itself.

[67] *Ibid.*

[68] John Adams to James Warren, July 24, 1775, in Charles F. Adams, *Works of John Adams,* II, 411 n.1. Burgoyne sent Germain copies of two letters of John Adams which were intercepted. The first letter continued the above citation: "What sort of Magistrates do you (in your Provincial Congress) intend to make? Will your new legislative & executive feel bold or irresolute? Will your judicial hang, & whip, & fine, & imprison without scruple?" Charles F. Adams omitted this part of the letter in his edition of the *Works of John Adams.* The second letter was addressed to Abigail Adams: "The business I

Unfortunately for Adams and his group, English pickets seized this letter while the messenger was crossing the Hudson River. It was sent to England and published just at the time the second petition arrived. Loyalists used it to show how insincere were the American professions of a desire for peace upon any terms short of independence, and how divided Congress was.[69] Thus the reception of the second petition was somewhat analogous to that of the first one. In both cases incidents occurred to mar their good effects. The second petition widened the gulf between the party of Dickinson and reconciliation and that of John Adams and independence. Thenceforth Adams found nothing favorable to say of Dickinson.

The second petition traced the history of the colonies from the time of their foundation,[70] listed again colonial grievances, advocated a return to pre-1763 conditions, pointed out the barbarity of the war and the desirability of peace, and requested the King to draw up a plan of reconciliation. A solemn and final compact should be drawn up between the King and the colonies recognizing colonial rights—an official agreement which might be to America what Magna Charta was to England. If England would yield the right of taxation, the

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have had upon my mind has been as great & important as can be entrusted to man—& the difficulty & intricacy of it is prodigious—a Constitution to form for a great Empire: a Country of fiveteen [s] hundred miles extent to fortify: millions to arm & train; a naval power to begin: an extensive commerce to regulate: a standing army twenty-seven thousand men to raise, pay, victual, & officer." Burgoyne to Germain, August 20, 1775, in Sackville MSS., 1775–1777. These tasks would not have occurred to a man imbued with the spirit and possibility of a reconciliation. The copy of this letter in the *Works of John Adams* differs quite a little from the manuscript.

[69] Stillé, *Life of John Dickinson*, I, 159–60. See also, Charles F. Adams, *Works of John Adams*, II, 411 n.1.

[70] *Journals of Congress*, II, 158–62. William Knox observed that the petition ignored the words "Parliament" and "legislature"; professed not the least submission to England; apparently sought a "Public general meeting"; and made no promise to dissolve the Continental Association and colonial troops, even if Parliament repealed the "obnoxious acts." From his observations written on a copy of the petition, dated July 8, 1775, in the William Knox Manuscripts, 1757–1809 (11 vols., William L. Clements Library), IX, 15.

colonies would submit to the strictest regulation of trade; or, for free trade with the world, they would bind themselves to raise their share of the revenue. However, it stipulated that Great Britain should tax herself at a rate commensurate with that levied on America.

This seems to be rather clear evidence of the importance attached by contemporaries to the economic motives in the colonial relationship with England. The colonists narrowed the issue here to its basic fundamentals and offered Britain taxation or trade. Propaganda then and later stressed principles, precedents, theories, and natural rights, but when men talked seriously of reconciliation they quickly arrived at a discussion of the material benefits of the colonial relationship.

This so-called "Olive Branch" was signed on July 8. Congress authorized Richard Penn, one of the proprietors of Pennsylvania, to convey it to England. In London, Arthur Lee and William Bollan, colonial agents of Massachusetts, assisted Penn in getting the petition before Lord Dartmouth and the King. Lee sought the aid of Burke in presenting it to Dartmouth, but Burke declined since he had been chosen agent for New York, and the Assembly of that province had refused to send delegates to Congress. Yet, he wished them success in their effort for peace. For this refusal William Baker, a London printer and friend, sharply reprimanded him, by saying:

> It is to Mr. Burke that it [the request] is addressed,—a name that carries with it terror to tyrannous ministers, and comfort to insulted freemen. America, defended by your eloquence, and deriving credit to her cause from your worth, looks up to you, in these her last moments of peace, to mediate with those who will be content with nothing less than her ruin.[71]

[71] William Baker to Edmund Burke, August 22, 1775, in Earl Fitzwilliam and Sir Richard Bourke (eds.), *Correspondence of the Right Honourable Edmund Burke; Between the Year 1744, and the Period of His Decease, in 1797*, 4 vols. (London, 1844), II, 45–46.

Dartmouth received a copy of the petition on August 21 and, urged to reply, answered September 1, "That as his Majesty did not receive it on the throne, no answer would be given." [72] Lord Dartmouth was too timid to allow the King to see the petition until he studied it to see if it were acceptable. His wish for, rather than expectation of, a reconciliation was apparent in his statement: "tho' both sides will have a great way to go before they will be within the sound of each other's voice, it is not impossible that they may come near enough to shake hands at last." [73]

This reply ended the official attempts of the colonies to reconcile their differences with the mother country. It now appeared to them that the sword was the only choice left and the radicals began more openly to advocate independence. Had not the King refused the "Olive Branch"? What more could Congress do? Though the letter of Adams weakened the chances of the final petition, the war now being waged against the colonies was a strong argument for the revolutionary party. Thus the rejection of the second petition was a definite turning point in the movement for independence. It defined the issue for America as unconditional submission or independence, had a desired effect in that it encouraged definite preparation for war, and cleared the suspense. Men could now fight for their rights. No time for argument remained; opponents of reconciliation quickly won political ascendancy; and those unwilling to support the cause of independence had little time left to leave the radical strongholds.

Factionalism, sectionalism, and indifference to genuine

[72] *Journals of Congress,* III, 343 n.1.

[73] Dartmouth to William Knox, August 6, 1775, in Historical Manuscripts Commission, *Reports on Manuscripts in Various Collections,* Vols. I–VI. (London, 1901–1909), VI, 120–21. Hereafter cited as *Reports on MSS. in Various Collections.* Colonial submission to trade regulation, a revenue to support civil government, and provincial troops maintained by the colonies would bring peace. These suggestions reveal that Dartmouth still thought North's plan of February, 1775, worthy of colonial acceptance.

peace stifled any measures that might have been adopted. Such a reactionary proposal as a return to pre-1763 conditions merited little consideration as a way to permanent peace. In fact, in making the offer the members of Congress indicated that they wanted no effective system of colonial administration and trade regulation at all, for no efficient system was in force prior to 1763. The events of the preceding decade had given the colonists too much confidence in their ability to force a British withdrawal. Both sides, of course, were unready for war, but the British feeling that the colonists could not and would not fight, and the mutual indifference to and ignorance of the rapidly changing course of events allowed them to coast into a state of war.

The radical extremists, led by Samuel Adams and others, soon assumed control of Congress and stifled all sincere peace efforts. They were thus the government and regardless of opposition were able to speed the drift toward war. Obviously they did not wish actual warfare; but their policy of preparation for war, their anxiety to open American ports to foreign trade, their desire for foreign assistance, their distrust of petitions, of peace efforts, of British sincerity, helped to weaken further conciliatory efforts. It mattered little after 1775 what profit seeking merchants thought. Of little importance were the discredited and utterly disorganized Loyalists. And the great masses probably cared very little either for the principles of the Loyalists or the radicals, for reconciliation or independence. But a few far seeing leaders in the many colonies sensed the issues and whipped the people into line or else prevented by actual force effective opposition to the revolutionary movement.

Furthermore, once the war had begun between the two countries, the consequent anger, hatred, and misunderstanding made extremely unlikely a peaceful solution. It is doubtful that a colony has ever been reconciled to the mother country after the outbreak of hostilities until the latter has shown power to conquer and subdue it. Such an eventuality

obviously would not be a true reconciliation; it would be more closely related to an unconditional submission. Very quickly in the revolutionary movement events narrowed the issue to absolute independence or unconditional submission. Men knew not how to stop short of that. They could plan conciliation, but they could not execute their plans. And so after making halfhearted efforts at reconciliation, Congress tossed the responsibility for peace back to the British government and went rapidly ahead with preparations for, as they said, the defense of American rights.

CHAPTER III

THE OLIVE BRANCH OF 1775

UNITED colonial resistance to the "coercive acts" caused George III to write: "The dye is now cast, the Colonies must either submit or triumph; I do not wish to come to severer measures but we must not retreat, by coolness and an unremitted pursuit of the measures that have been adopted I trust they will come to submit; . . . ." [1] This statement revealed the King's policy on the fundamental issue of coercion and conciliation.

Anxious to have a greater majority with which to confront the opposition and defeat the American peace proposals,[2] George III dissolved Parliament and ordered a new election. The petition of the Second Continental Congress to the King may have been a major factor in forcing the new election. The King desired to fill the Commons with gentlemen of landed property; the "Nabobs, Planters, and other Volunteers are not ready for the battle." [3] North feared a loss of

[1] George III to Lord North, September 11, 1774, in Sir John Fortescue (ed.), *The Correspondence of King George the Third, from 1760 to December 1783,* 6 vols. (London, 1928), III, 131.

[2] *Journals of Congress,* II, 62n. The King's motives for calling a new Parliament were stated as follows: "the general Congress now assembling in America; the Peace of Russia with the Turks and unsettled state of the French Ministry are very additional reasons to shew the propriety of the measure; . . . ." George III to North, August 24, 1774, in Fortescue, *Correspondence of George III,* Vol. III, 125. Samuel Chase wrote to James Duane, December 2, 1774, "We have heard of the unexpected Dissolution of parliament (as foretold by Junius) and believe it to be a ministerial Trial to take the national opposition by surprise." This is found in "Duane Correspondence," in the Southern Historical Association, *Publications* (Washington, 1897–), X (1906), 300.

[3] George III to Lord North, August 24, 1774, in Fortescue, *Correspondence of George III,* Vol. III, 125–26. See also, letter to North, of same date, *Journals of Congress,* II, 66n.

government seats, but the King took a more cheerful view.[4] Happily for North and the King, the elections gave them 321 supporters, but news of rebellion in New England arrived immediately to sober their enthusiasm. To their displeasure, General Gage recommended a suspension of the coercive acts. Untimely concessions would not make the colonies reasonable; the selection of generals was more imperative. To George III, Gage's recommendation

> appears to me the most absurd (idea) that can be suggested; the People are ripe for mischief upon which the Mother Country . . . [suspends] the measures She has thought necessary[.] this must suggest to the Colonies a fear that alone prompts them to their present violence; we must either master them totally or leave them to themselves and treat them as aliens; I do not by this mean to insinuate that I am for . . . new measures; but I am for Supporting those already undertaken.[5]

The King welcomed North's idea of suspending colonial bounties and bringing the colonists to their duty, but he was not

> so fond of sending Commissioners to examine into the disputes; this looks so like the Mother Country being more afraid of the continuance of the dispute than the Colonies and I cannot think it likely to make them reasonable; I do not want to drive them to despair but to Submission, which nothing but feeling the inconvenience of their situation can bring their pride to submit to.[6]

At the beginning of November, 1774, influential Englishmen, members of Parliament and the cabinet, turned to Benjamin Franklin for advice upon American affairs. Even the fashionable sister of Lord Howe believed that he, and perhaps he alone, could find a way out of the crisis. Miss Howe was known for her ability to play chess and, aware of Franklin's talents in that direction, sent him an invitation to try his luck with her at the game. Franklin immediately

[4] Fortescue, *Correspondence of George III,* Vol. III, 125–26.
[5] George III to North, November 18, 1774, *ibid.,* 154.
[6] George III to North, December 15, 1774, *ibid.,* 156.

sensed that more than chess games lay back of that invitation. At their first game, however, the conversation remained light and gay. Indeed so pleasant was the session that Franklin arranged to visit her again.

Meanwhile, British ministers moved secretly to confer with Franklin. Two gentlemen, Dr. John Fothergill and Mr. David Barclay, urged him to draw up some peace suggestions of his own. Franklin naturally suspected these men of sounding him out for someone more powerful than they were. Fothergill, with whom Franklin was already on friendly terms, was Lord Dartmouth's physician, and David Barclay, a rich Quaker banker, brewer, and merchant in the colonial trade, was a close friend of Lord Hyde, then chancellor of the duchy of Lancaster. The origin of the suggestion for the conference with Franklin is still a mystery. Sensitive ministers, not anxious to receive a rebuff personally from a man whom they had observed attacked bitterly by Wedderburn over the Hutchinson letters, preferred to work under cover. In any case, at the request of Fothergill and Barclay, Franklin drew up his peace proposals in a paper entitled "Hints." [7] He advocated a return to pre-1763 conditions and suggested that Massachusetts would pay for the tea destroyed in Boston Harbor if England would repeal the "Intolerable Acts." If England would yield its monopoly of colonial trade, America would provide permanent grants of money. Or, if England would yield financial aid by taxation, America would give England undisputed right to regulate colonial commerce. He then advised the government to repeal some oppressive act to which the colonists had not specifically objected as evidence of the sincerity of its peace movement.

After Franklin's chess games with Miss Howe had become common news around London, the secrecy between them

[7] Albert H. Smyth (ed.), *The Writings of Benjamin Franklin,* 10 vols. (New York, 1905–1907), VI, 328 *et seqq.* See also, "An Account of Negotiations in London for Effecting a Reconciliation Between Great Britain and the American Colonies," *ibid.,* 318–98.

was discarded and Miss Howe quickly turned the conversation toward the problem of reconciliation. Franklin lightheartedly assured her that it could easily be solved; that it was a mere matter of "punctilio, which two or three reasonable people might settle in half an hour." [8]

A few days later, on Christmas day, 1774, while they were thus playing and talking, Lord Howe came into the room for a few minutes to meet the famous American. Howe too seemed greatly alarmed over America and said no one better understood the situation than Franklin. Howe had seen the "Hints," but found them unacceptable. The cabinet thought them too harsh to England and too generous to America. He urged Franklin to formulate a more acceptable scheme,[9] and Franklin promised to comply.

At about the same time Franklin dined with Sir Thomas Pownall, a member of Parliament and a man of wide experience in colonial affairs. Pownall revealed that North opposed the American measures, and that the ministers regarded Franklin as the greatest enemy to reunion and hostile to any terms honorable to the British government.[10]

Howe again met Franklin January 1, 1775, but failed to receive a plan of conciliation. Howe assured him that both North and Dartmouth sincerely desired to settle the dispute with the colonies peacefully, and would listen readily to his proposals. He questioned Franklin as to the wisdom of sending peace commissioners to America and gave the impression that he wished to be one of them. Once more he urged Franklin to reconsider his former "Hints" and draw up a more acceptable plan for the consideration of the ministry, and observed that for his assistance Franklin might expect any reward the government could bestow upon him. To Franklin this was what "the French call spitting in the soup." [11] In or-

[8] *Ibid.*, 326–27.

[9] Taken from Franklin's account of the peace negotiations in London, *ibid.*, 324.

[10] *Ibid.*, 348–49.

[11] *Ibid.*, 353.

der that it might not be seen in his handwriting, Franklin was to send his draft to Miss Howe, who was to make a copy for Lord Howe to give to the ministry and return the original to Franklin. The "Great Citizen" had confidence in Howe, but did not think such secrecy necessary.

Franklin based the essential features of his plan on the first petition of Congress to the King. The obnoxious acts were to be repealed, not, however, without preliminary colonial guarantees of future good behavior. This security inhered in the colonial assurance in the first petition to the King, "That, when the Causes of their Apprehensions are removed, their future Conduct will prove them not unworthy of the Regard they have been accustomed in their happier Days to enjoy." [12] England should rely on this promise, since, if the expedient failed, she could resume her present measures at will. Withdrawal of British forces was necessary to prove British faith in America. To strengthen colonial faith in the mother country, he again advised the ministry to remove some specific grievance not mentioned in the petition. Parliament should recognize the American Congress, and in future make requisition to it for aid.

On January 19, Lord Howe informed Franklin that his propositions were unacceptable. The ministry believed incorrectly that Franklin had powers from Congress to make greater concessions. Recalling the "Hints" in which Franklin had promised payment for the tea destroyed, Howe asked him if that promise still held good, to which Franklin replied:

> I doubt the Regulating Duties will not be accepted, without enacting them, and having the Power of appointing the Collectors, in the Colonies.
>
> If we mean a hearty Reconciliation, we must deal candidly, and use no Tricks.
>
> The Assemblies are many of them in a State of Dissolution. It will require Time to make New Elections; then to meet and chuse Delegates, supposing all could meet.[13]

[12] *Ibid.*, 355.

[13] *Ibid.*, 382.

Yet, the Massachusetts Assembly could neither act under the new charter nor meet the new council for that purpose without acknowledging the power of Parliament to change their charter. This the province would never do, said Franklin, for "They, who can give up essential Liberty to obtain a little temporary Safety, deserve neither Liberty nor Safety." [14] Informed of North's peace proposal, Franklin added, "The Language of the Proposal is, try on your fetters first, and then, if you don't like 'em, petition and we will consider." [15] After much delay, he heard that his propositions differed too widely and too fundamentally from those of the ministry to be acceptable. Perhaps the ministry at first anticipated that Franklin could be bribed and used Howe as the medium through which to effect it. Then when that failed they suspected Franklin of having additional powers to obtain a peace on terms more reasonable to Britain.[16] The records fail to show clearly just why Franklin's proposals were unacceptable. Lord North, however, adopted one suggestion of Franklin's in his plan of 1775.

Such indirect and hedging attempts to discuss so great a problem added little to the reputation of the British ministers. Nor did the King help advance the cause of peace. His speech at the opening of the session after Christmas showed no conciliatory aim, and the minority in Parliament protested

> against an address amounting to a declaration of war, which is founded on no proper parliamentary information; which was introduced by refusing to suffer the presentation of petitions against it (although it be the undoubted right of the subject to present the same); which followed the rejection of every mode of conciliation; which holds out no substantial offer of redress of grievances; and which promises support to those ministers who

[14] *Ibid.* [15] *Ibid.*, 383.

[16] *Ibid.*, 354–59. See also, the account in Carl Van Doren, *Benjamin Franklin* (New York, 1938), 495–519.

have inflamed America, and grossly misconducted the affairs of Great-Britain.[17]

Two days after Parliament assembled, the cabinet met and framed a peace proposal. If the colonies would support the civil government and administration of justice, and give extra supplies in wartime in reasonable proportion to what Britain gave, taxation, except for commercial purposes, would cease. With colonial acceptance of this proposition, the means of renouncing the exercise of the taxing power would be considered in Parliament. Meantime the cabinet would urge the King to enforce obedience to the existing laws.[18] The government still sought a way of bringing America into line with British advantage. America suffered no unfair discrimination; in fact, within a short time, it would cease sending raw materials to England; and England, unable to share the increasing wealth of the colonies, might wisely give them up rather than bear the expense of defending them. However, the ministry thought the regulation of colonial trade did not offer enough compensation for colonial defense. The colonies should contribute for general defense and Parliament should have authority to determine the colonial proportion. At least, so ran the prevailing opinion of the British government in February, 1775.[19]

On February 1, 1775, Chatham had offered his provisional bill, which the Lords rejected by a large majority. Fifteen days later, the King wrote North:

I own though a thorough friend to holding out the Olive Branch I have not the smallest doubt that if it does not succeed that when once vigorous measures appear to be the only means left

[17] Philadelphia *Dunlap's Pennsylvania Packet, or General Advertiser,* April 17, 1775.

[18] Historical Manuscripts Commission, *The Manuscripts of the Earl of Dartmouth,* 3 vols. (London, 1887–1896), I, 372–73.

[19] Taken from William Knox's plan of reconciliation, closely similar to North's. William Knox to Blackburn, February 15, 1775, Knox MSS., II, 21.

of bringing the Americans to a due Submission to the Mother Country that the Colonies will Submit; . . . .[20]

North's reply reveals the real purpose of the conciliatory motion which he expected to offer on February 20:

Lord North hopes for great utility (if not in America, at least on this side of the water,) to arise to the publick from this motion; He is confident it gives up no right, & that it contains precisely the plan which ought to be adopted by Great Britain; even if all America were subdued. He has reason to think it would give general satisfaction here, & that it will greatly facilitate the passing the Bill now in the House for restraining the Trade of New England, & the other which must, he fears, be soon brought into the House for subjecting Virginia, Maryland, & other provinces to the same restrictions.[21]

In other words, the mere offering of a plan of reconciliation in the Commons would gain support for a coercive policy. North's statement weakens his professions of a desire for peace. In reply, the King approved very highly of the proposed resolution, "as it plainly defines the line to be held in America, and as it puts an end to Congresses, it certainly will have a good effect in this Country and I should hope in at least some of the Colonies." [22] He assured North of the support of several prominent gentlemen. North's proposition, as interpreted by the debate in Parliament, aimed to divide and weaken the colonies. Despite all pretense of being a sincere peace effort, it avowedly yielded no fundamental right.

On the morning of February 20, 1775, the news spread over London that Lord North would, that day, make a pacific motion in the House for healing all the differences with America. On Sunday evening, February 19, a treasury letter, desiring an attendance in the House for the next day, was sent to the most active persons in opposition, as well as to all those who support Ministry; as Lord North had a motion of importance

[20] Fortescue, *Correspondence of George III*, Vol. III, 175.
[21] North to George III, February 19, 1775, *ibid.*, 177.
[22] George III to North, February 19, 1775, *ibid.*

to make. It is unusual to send such letters to the Members who oppose. This message therefore occasioned much speculation.[23]

This gave a basis to the charge of the ministerial party that North was courting the opposition. The House of Commons was full and its members anxious with expectation. The Bedford party, unfriendly to the colonies and alarmed at this apparent reversal of policy, threatened open rebellion. They even counted the votes to see if they could not defeat his measure and throw Lord North out of the administration. "His Friends were therefore alarm'd for him; and there was much Caballing and Whispering." [24]

Franklin thought the original motion had been changed; he deduced from its imperfect composition, its failure to meet previous promises, and from other circumstances that it had been curtailed by advice before being proposed. His suggestion to yield the regulating duties to the colonies was part of the proposal and many, unaware of his share in the evolution of the motion, "said it was the best part of the Motion." [25]

Finally the promised motion was made:

That it is the opinion of the Committee, that when the governor, council, and assembly, or general court, of any of his Majesty's provinces or colonies in America, shall propose to make provision, according to the condition, circumstances, and situation of such province or colony, for contributing their proportion to the common defense (such proportion to be raised under the authority of the general court, or assembly, of such province or colony, and disposable by parliament) and shall engage to make provisions also for the support of the civil government, and the administration of justice, in such province or colony, it will be proper, if such proposal shall be approved by his Majesty and the two Houses of parliament, and for so long as such provision shall be made accordingly, to forbear, in respect of such province or colony, to levy any

[23] The London *Evening-Post,* February 25, 1775. This is also cited in the New York *Journal, or General Advertiser,* April 20, 1775.

[24] Smyth, *Writings of Franklin,* VI, 388. [25] *Ibid.*

duty, tax, or assessment, or to impose any further duty, tax, or assessment, except only such duties as it may be expedient to continue to levy or impose for the regulation of commerce; the nett produce of the duties last mentioned to be carried to the account of such province, or colony respectively.[26]

Here are the implied and main features of the motion: (1) The plan recognized the possible variations in the conditions of the several colonies. (2) It implied that some sort of a prearranged proportion of contribution would be allocated to each of the colonies, and that the legislature of each colony would retain the right to authorize the amounts to be raised and the method of raising them. (3) Parliament, however, was to determine the use of the money and the actual means of disposing of it. (4) When the legislature set aside a specified sum for common defense and for the support of civil government and the administration of justice, the King and Parliament were to approve the amount before it went into effect. (5) As long as this fixed contribution continued, the British government would not tax the colony in any way or impose additional or new duties. (6) There was one vital exception to this promise. Parliament specifically retained the right to impose such duties as it thought fit for the regulation of commerce, thereby retaining the double power of taxation and commercial regulation. (7) Parliament would, nevertheless, turn over the net income from commercial regulation to the account of the colony in which the duties were collected. In brief, the colonies were to arrange in any way they could a definite sum, the size of which Great Britain insisted she had the right to determine. Furthermore, she intended to regulate American commerce. Any profit after deducting the cost of collecting the duties, however, would be placed to the account of the colonies to enable the mother country to defend and govern them as she deemed proper.

[26] Hansard, T. C. (ed.), *The Parliamentary History of England, from the Earliest Period to the Year 1803*, 36 vols. (London, 1806–1820), XVIII (1775), 320. Hereafter cited as *Parliamentary History*.

To the colonists, there was nothing in this plan to indicate a British desire for reunion on terms at all acceptable to America. It was a continuation of the movement for centralization which began after 1763; another attempt to obtain a revenue from America; another attempt to take political and judicial power from colonial hands and transfer it to London; an additional assertion of the right of Parliament to regulate colonial commerce and to expect revenue from America; and a reaffirmation of the determination of Britain to keep an army in the colonies. It called for a complete colonial surrender and offered no alternative to America but submission or war. In view of the tensity of the verbal and political battle then just getting underway, it would have been difficult to choose a more inopportune time and a more unenlightened offer than this plan of 1775. This "peace" proposal defiantly ignored the whole conflict of a century and a half. Words fail completely to describe the utter inadequacy of North's offer. It was not even a halfway measure for peace; it was a stupid gesture.

What then explains the introduction of the plan of 1775? These points may be suggested: First, actual warfare had not begun, and in view of previous, similar struggles with America which ended peacefully, the cabinet could not be expected to anticipate any different outcome in this instance. Second, the cabinet relied almost solely for advice upon Loyalists in America and its friends in Britain. The opposition point of view was not as strong then as it had been earlier in the struggle. The advice from America, from royal governors, General Gage, and endless others, at first suggested that a mere show of force would awe the colonists into silence. The colonial-radical point of view did not receive a fair hearing from the North government. Third, the British governing class as a whole believed that America could not possibly succeed in a rebellion against Britain, and that colonial troops were a cowardly, sorry lot. Fourth, the North government probably did not comprehend thoroughly the long-enduring conflict at

issue. The plan of 1775 certainly failed to give the least impression that North's government had learned anything from a century and a half of Anglo-American relations, except to adhere to its basic policy of force and unconditional submission. Fifth, there was also the desire to make some gesture toward peace in order to answer critics at home and in America, who would say that the government had hastily rejected their offers without making any counter-proposals. North's resolution of 1775 at least stated the ground on which negotiations with America could take place. However, the government did not want its offer of conciliation to be interpreted as a departure from its policy of firmness, coercion, and unconditional submission. In the debates which followed, only Burke seemed to sense the futility and stupidity of the effort.

In his introductory speech, North said that though Parliament could never yield the right of taxation or the doctrine that every part of the empire was bound to bear its share, it could suspend the exercise of its right and allow the colonies the freedom to raise their quota of the contribution by themselves. If the colonies would guarantee to raise their share, Parliament would cease to exercise the right of taxation. But:

> To be explicit . . . if the dispute in which the Americans have engaged goes to the whole of our authority, we can enter into no negotiation, we can meet no compromise. If it be only as to the suspension of the exercise of our right, or as to the mode of laying and raising taxes for a contribution towards the common defense, I think it would be just, it would be wise to meet any fair proposition, which may come in an authentic way from any province or colony.[27]

In this statement, he ignored the Continental Congress and revealed the attitude of the ministry and King toward that body. Parliament still retained supremacy over the colonies, but as long as they would contribute a definite sum Parlia-

[27] *Ibid.*

ment would not tax them. Though not treating with rebels, wherever they existed he would open a door for their readmission to British protection. To the charge of insincerity, North replied that once Parliament had confirmed an agreement, it would keep it. However, he opposed a suspension of hostilities during the period of negotiation. If America lived up to its professions, it would agree to this plan. A refusal would be tantamount to a rejection of reconciliation: "But I have better hopes: there are people, and I hope whole colonies, that wish for peace; and by these means, I hope they will find their way to it," North said in conclusion.[28] He thought the motion would disunite America by separating the grain from the chaff, and unite England by holding out a distant prospect of revenue.

Commenting upon this speech and North's plan, the *Annual Register* for 1775, said:

> Upon the first bruit of conciliatory measures being proposed by the minister, it was surmised, that he was either going to resign, and would first make a disavowal of those public measures which had been lately pursued, or that from some strange convulsion in the internal cabinet, the whole political system of government was to be changed; all those members who were within hearing accordingly hastened to the House, with the most eager expectation. Nor was the astonishment less within doors. From some perplexity in its construction, and obscurity in the words, the extent or drift of the motion was not immediately comprehended. The courtiers looked at each other with amazement, and seemed at a loss in what light to consider the minister.[29]

The debates were long and warm. The party which favored a strongly centralized imperial control, supported colonial taxation, and cherished the principle of parliamentary supremacy, heard North with astonishment and felt abandoned and betrayed. Staunch friends of the government wavered mo-

[28] *Ibid.*, 322.

[29] *The Annual Register; or, a View of History, Politicks, and Literature,* 104 vols. (London, 1758–1862), XVIII (1775), 96–97.

mentarily in their support. "In a word, the treasury benches seemed to totter, and that ministerial phalanx, which had been so long irresistable, ready to break, and to fall into irretrievable disorder." [30]

Opposition to the motion came at first from North's supporters. They said that it directly opposed the King's address at the opening of Parliament; contradicted all the acts and declarations of Parliament; could not produce good results if based on the principles of the opposition, to which it was paying court; acknowledged that colonial taxation by Parliament was a grievance; and, therefore, was a shameful prevarication and a mean departure from principle. Its adoption would sacrifice every gain made and policy pursued throughout the whole course of American affairs. Without preliminary colonial recognition of parliamentary supremacy, they would concede nothing. So great was the dissatisfaction on the side of the administration that North was on his feet constantly to explain and reconcile seeming contradictions. The administration party avoided an impasse only by changing the basis of the debate. Sir Gilbert Elliot, noted in 1774 for his zeal in promoting measures for reducing the colonies to obedience, asserted that if the agreement was not satisfactory to Parliament, it might be withdrawn. There was nothing in the motion that would bind Parliament. A future Parliament might change it whenever it felt so inclined. Thus enlightened through the spokesman of George III, the administration party soon recovered from its first surprise and rallied to support the motion.

One friend of the government doubted the wisdom and completeness of the offer. Pownall had foretold from the time of the Albany Congress that America would resist laws contrary to its interests.[31] Furthermore, country gentlemen who had long attempted to tax the colonies were ill-fitted as

[30] *Ibid.*, 97. It should be remembered that the *Annual Register*, a periodical to which Edmund Burke was a contributor, strongly advocated the Whig cause.

[31] *Parliamentary History*, XVIII (1775), 322–23.

mediators. Unless England wished an endless war, it should in future rule America by compact and by constitution. Though Congress at the moment was an illegal body, whose proposals and pledges could not be accepted, this body should be permitted to consider the resolution. To avoid colonial fear of misappropriation of funds, such contributions should be specified for the common defense.

The Whigs stubbornly but vainly opposed the motion. Charles James Fox congratulated North, so recently an advocate of coercion, on his move for peace. In this two-faced measure utterly lacking in sincerity, North held out to Americans and British moderates negotiation and reconciliation; to his supporters he held out the promise of future parliamentary supremacy. "No one in this country, who is sincerely for peace," Fox said, "will trust the speciousness of his expressions, and the Americans will reject them with disdain." [32] Colonel Barré, famous to Americans for his opposition to the Stamp Act, thought this change of policy a scheme to deceive the Americans. They would never accept it, and the wrangling and specches in the House would split the empire. Burke said he would support anything which would lead to conciliation, but he found the proposal inadequate and insidious. "Instead of being at all fitted to produce peace, it was calculated to increase disorders and confusions in America; and, therefore, he never could consent to it." [33]

The most vehement opposition came from Acland, a young military officer, who was later to serve under Burgoyne in America. To him the move was humiliating. Would the Americans, who denied Parliament all right of taxation, be satisfied with having merely the mode of taxation left to them? Was the contribution to be settled upon each year, or was a definite amount to be fixed permanently? This would begin an endless dispute; each change or renewal would threaten bloodshed. The doubling of American population every twenty years, accompanied by a proportionate growth in

[32] *Ibid.*, 330. [33] *Ibid.*, 335.

wealth, would add to the difficulty of the problem. A reasonable proportion for 1775 would, in a few years, become a mere pittance in comparison with their increased wealth. England was struggling with and trying to control inevitable facts. He agreed with North that offers of conciliation should come at the close of a great victory. "That, Sir, which is generosity, which is magnanimity after victory, is timidity and foul disgrace before it." [34] After recalling the first impression of North's offer upon the Commons, he added that it was contrary "to every principle we had been thought to adopt . . . , when those, who had relied on that firmness . . . turned pale with shame and disappointment, when within the space of a few awful moments, the dignity of government and the honor of this country, were given up forever." [35]

In a second speech, Acland declared the motion aimed to lure the less refractory colonies away from their fellow sufferers. Half of the colonies were to aid Britain against the other half. For this betrayal, Britain asserted her supremacy anew and won forever the privilege of determining the extent of colonial grants. Despite such abuses, he sneered, the colonies were to trust in the crown and ministers, "so remarkable for consistency, lenity, and wisdom." [36] Though as strong an advocate for parliamentary authority as any man, he thought all pretense to supremacy not based on justice, sound policy, or the constitution, should be relinquished. As a final fling at the proposals, he said that, "however conciliatory it may seem at first sight, when it comes to be analyzed on the other side of the water, it cannot possibly have any other construction put upon it, than that of adding insult to injury." [37]

Sir James Luttrell, an advocate of reconciliation throughout the Revolution, opposed the motion on the ground of natural rights. It was despotic to force colonial recognition of the right of taxation by Parliament when justice and rea-

[34] *Ibid.*, 340. [35] *Ibid.*, 340–41. [36] *Ibid.*, 349. [37] *Ibid.*, 350.

son could not secure it. Man's natural rights inhered from days of Saxon rule:

All persons have natural rights—a free people have legal rights, independent of parliamentary edicts, and of which no form of government whatever can deprive them. Laws not founded on constitutional justice, are in themselves null and void; nor are the makers of them legislators, but usurpers.[38]

He invoked Blackstone to prove his case:

If the sovereign power advance with gigantic strides and threaten desolation to a state, mankind will not be reasoned out of the feelings of humanity, nor will sacrifice their liberty by a scrupulous adherence to those political maxims, which were originally established to preserve that liberty.[39]

He drew a vivid picture of the growth of the colonies since 1607. Vibrant, expanding, and wholesome, America glowed in comparison with dull and brooding England. In pointing out the value of a reunion he said:

Peace with America will make your thousands of manufacturers and artisans a thriving, obedient people; war with America will make them idle, profligate, and tumultuary. In short, the first open hostilities committed by your troops on that continent, will realize to the race of man, from one extremity of the earth to the other, more fatal evils than were even contained in the fable box of Pandora.[40]

David Hartley, a tireless advocate of reconciliation and a close friend of Franklin, denounced the proposal as a mere pretense at reconciliation. It threatened the colonies: "Give me as much as I wish, till I say enough, or I will take it from you, and then to call such a proposition conciliatory for peace, is insult added to oppression." [41] It was an extortion of revenue by threat of taxation. The only concession in it was that it gave up the mode of procedure used for the past ten years and confessed that requisitions would be better.

[38] *Ibid.*, 343–44. [39] *Ibid.*, 344. [40] *Ibid.*, 347. [41] *Ibid.*, 350.

In summary, the opposition thought the measure was treacherous and base; would make incurable the wrongs it meant to remedy; possessed none of the qualities necessary for conciliation; was an attempt at the same cunning and folly which the ministers had used in the Tea Act, which England was told would be a duty of supply, and America assured was only a tax of regulation; and finally, was a tax in effect, only changed in its nature from small subsidies upon requisition to annual sums of untold amounts, without the consent of the colonies. The colonies were not only to contribute a sum of money, approved and determined by Parliament, but they were to agree to a scheme providing for this before they even knew the amount they were binding themselves to give. The opposition said:

> Thus the House is to be converted into an auction room, the speaker to hold the hammer, and the colonies to be held prisoners of war, until they consent to a ransom, by bidding against each other and against themselves, and until the king and parliament shall call to strike down the hammer, and say—enough.[42]

North's supporters finally rallied under his banner. Despite the general dissatisfaction with the proposal, they thought it better to pass the measure than give the opposition a victory by rejecting it. Elliot's speech strengthened this belief by showing that the motion if accepted by America could in the future be varied to fit the circumstances. This flexibility lessened the extent of their objections. Many who had previously declared themselves directly opposed to the motion voted with the ministry to carry the measure by a vote of 274 to 88.

At the end of this day, North wrote the King of the harassing experience of the past hours, saying:

> In the first part of the day an idea struck several gentlemen that it was too great a concession, & we were likely to lose several friends, but their wavering was a strong proof that the disposition

[42] *Annual Register*, XVIII (1775), 100.

of the house independent of any ministerial connection is to maintain the authority of Great Britain over America.[43]

The King replied that he had never doubted the zeal of the House of Commons, "but the debate of Yesterday is a very convincing proof of it; no one can be more sincerely of that opinion than myself though thoroughly approving the Resolution taken which certainly in a most manly Manner shews what is expected and gives up no right." [44] Certainly the King at this date was not willing to offer terms liberal enough to win colonial acceptance. However, Sir Gilbert Elliot spoke for the King and the final passage of the bill indicated that the King used his influence to force recalcitrant members into line—an interesting effort in view of his reputed responsibility for the war.

The debate continued in and out of Parliament concerning North's plan. Chatham, who was then in the country seeking relief from the gout, wrote Lord Mahon, his son-in-law, in these words:

> What has transpired is so vague, that it amounts to nothing, in practice or execution. It is mere verbiage, a most puerile mockery, that will be spurned in America, as well as laughed at here by the friends of America and by the unrelenting enemies of that noble country. Every thing but justice and reason will, I am persuaded, prove vain to men like the Americans, with principles of right in their minds and hearts, and with arms in their hands to assert those principles. So far, however, seems to promise future good; some parts of ministry begin to relent, and the butchers in government will soon be taught a lesson of fear, if not of humanity.[45]

He referred to North as a man exploded at the beginning of the day, until Sir Gilbert Elliot arose, and "spake 'very brafe

[43] Fortescue, *Correspondence of George III*, Vol. III, 178. [44] *Ibid.*, 179.

[45] Chatham to Lord Mahon, February 20, 1775, William S. Taylor and John H. Pringle (eds.) *Correspondence of William Pitt, Earl of Chatham*, 4 vols. (London, 1840), IV, 403. Hereafter cited as *Chatham Correspondence.*

and wise worts' in the 'imminent and deadly breach,' and turned the fortune of the day. The warlike Rigby only took notes, and put them generously in his pocket." [46] Chatham was pleased to report that North had made a most wretched figure.

Edward Gibbon, the historian, who was present at the debates in Parliament, wrote:

> We go on with regard to America, if we can be said to go on; for on Monday a conciliatory motion of allowing the colonies to tax themselves was introduced by Lord North, in the midst of lives and fortunes, war and famine. We went into the House in confusion, every moment expecting that the Bedfords would fly into rebellion against those measures. Lord North rose six times to appease them, but all in vain; till at length Sir Gilbert declared for administration, and the troops all rallied under their proper standard.[47]

Lord North took the lead in British politics on the assumption that he was to obtain among other things a revenue from America. The British country gentlemen determined to be rid of a part of their imperial burden. Their interest opposed a policy of conciliation; they demanded an unconditional submission of the colonies to British authority in all cases. The "King's Friends" also favored a policy of coercion and colonial subordination to King and Parliament. Although most of the merchants and traders, engaged in American trade and the creditors of the Americans, favored a policy of conciliation,[48] some of them now believed that in the long run they might gain more by a policy maintaining British authority and parliamentary supremacy.

The ecclesiastical party sided with the landed aristocracy, from whom their support came, while the noncomformist interests, resenting the domineering influence of the estab-

[46] *Ibid.*, 404. [47] Gibbon to Holroyd [n.d.], *ibid.*, 404n.

[48] For example, see two petitions of the merchants of London and Bristol for reconciliation with America, January 23 and 26, 1775, in *Parliamentary History*, XVIII (1775), 168, 184.

lished church, advocated the American cause. British opposition groups took a pro-American attitude as a matter of political expediency. The friends of America in Britain were not limited to a few advocates in Parliament "but included a large and very vocal group outside, and . . . the war of the American Revolution was in a very real sense a civil war." [49]

The supporters of the government outside of Parliament also opposed North's peace effort, not because it yielded any advantages, but from fear of the effect a British disposition toward peace would have in America. The colonists would think all conciliatory proposals originated in cowardice and timidity; Loyalists would be left to regret "the Instability and Fluctuating State of our Proceedings at home, as they had before when the Stamp Act was repealed." [50] Though Englishmen desired a reconciliation, the method of obtaining it seemed ever evasive. Critics could demonstrate the unfeasibility of any plan, but could offer no constructive alternatives. Colonial trade should be preserved, commissioners should be sent to arrange for a peaceful reunion, but the obstacles in the way of this achievement appeared insurmountable at this date. Neither side wanted peace or reconciliation strongly enough to make the concessions necessary for it.

One London merchant believed that North's measure arose from the King's fear of losing the commercial benefits of the colonies.[51] Had the ministers known America aimed at independence they would have made greater efforts to unite all factions at home. William Pulteney, author of numerous peace proposals, said the colonies should not be deprived of all profit by taxation and regulation of trade simultan-

[49] Fred J. Hinkhouse, *The Preliminaries of the American Revolution As Seen in the English Press, 1763–1775* (New York, 1926), 205.

[50] Declaration of the Court of Common Council at Guildhall, February 21, 1775, in the New Bern *North Carolina Gazette,* May 5, 1775.

[51] Extract of letter from a London merchant, February 28, 1775, *ibid.,* May 12, 1775.

eously. Declaring North's motion well intended, he denounced the opposition in Parliament for condemning it so quickly and mercilessly. To him the motion as it stood would have been highly advantageous to America,

> for, as they are evidently in a course of increasing rapidly, both in numbers and in wealth, and have immense tracts of waste lands still to cultivate, no sum which could possibly be agreed on at this period, could have borne any proportion to what they ought to have paid as their just share hereafter, of the public burdens; so that to appearance the proposition was in fact too favourable to them; though at the same time, I am perfectly satisfied, that if this agreement had been made, . . . we should have obtained, in future times, more ample grants. . . .[52]

He pointed out the one serious and fatal obstacle that made the plan unacceptable to America. The sum to be given once agreed upon would give peace only as long as it was paid. The very Parliament which passed the proposition agreed almost unanimously in the conviction that future prosperity would lead future Parliaments to demand greater contributions.

George Johnston, Governor of West Florida, 1763–1766, declared the colonies had never refused to contribute a just share when constitutionally requested to do so. Parliament had no right to determine the amount to be granted, because the Americans were not and could not be represented in its deliberations, and it was to the interest "of every member to lay as much as possible on America to ease himself." There was nothing more foolish than to say:

> we admit there are many unanswerable reasons why this Assembly are unfit to impose taxes upon you, and therefore, if you will only tax yourselves to our satisfaction, we will forbear the exer-

[52] William Pulteney, *Thoughts on the Present State of Affairs with America, and Means of Conciliation* (London, 1778), 56–57. This pamphlet is found in both the Newberry Library, Chicago, and the Library of Congress.

cise of a right, to which we declare by the proposition we are incompetent; . . . .[53]

Such objections as these were quickly reprinted in the colonial newspapers and helped to prepare the people for an insurmountable opposition.

[53] Speech in the Commons, October 26, 1775, in the Boston *Continental Journal and Weekly Advertiser,* August 22, 1776.

CHAPTER IV

THE COLONIAL ANSWER

THE American Revolution might have been averted, at this point, if the British government had repealed the "Intolerable Acts," specifically renounced all intention to tax America in the future, and, in short, restored pre-1763 conditions, as Congress had requested in 1774. But North's plan of 1775 did not do these things and, therefore, met a stronger opposition from rebel leaders in America than from the Whig party in England. There was no real support for the plan in America. None of the colonial men of influence recorded the opinion that this offer was adequate as a permanent solution of the American question. Congress found little trouble in replying to Lord North and in its answer showed a more thorough and realistic understanding than the British government of the problem of reconciliation. The colonial plan of 1774 and the British plan of 1775 were not genuine efforts at conciliation; they were restatements of two diametrically opposite points of view. Neither offer demonstrated the slightest inclination to effect a permanent reunion on the basis of mutual concessions.

Lord Dartmouth on March 3, 1775, sent a circular letter to the colonial governors, enclosing a copy of North's resolution. The circular declared that the King sincerely approved the North proposal as a just solution of the present troubles which he wished to see reconciled, "without prejudice to the just authority of Parliament, which his Majesty will never suffer to be violated." [1] A few days later Dart-

[1] This circular letter is found in Benjamin F. Stevens (ed.), *Stevens's Facsimiles of Manuscripts in European Archives Relating to America, 1773–1783*, 25 vols. (London, 1889–1895), no. 1201.

mouth urged General Gage to issue a proclamation offering pardon to all traitors, except such persons as might wisely be omitted. Those whose treason had been extremely offensive, the members and president and secretary of Congress, should suffer condign punishment. While a conciliatory bill set forth Parliament's harsh terms, Gage received authority to pardon rebels for treason.[2]

Governor John Penn of Pennsylvania, on May 2, submitted the letter and proposal to the general assembly, and declared that the assembly ought to consider it. The only point in the dispute was whether redress of grievances should precede or follow the settlement of a just contribution. Among the first to consider the proposal, the assembly carefully answered it. The terms would not justify their deserting the other colonies by accepting the plan. If the time ever came when they could aid in a reconciliation they would do so.[3]

The Governor of Virginia, Lord Dunmore, at the insistent request of North and Dartmouth, called the legislature in a special session to urge upon it the immediate acceptance of the offer.[4] It was a very inopportune time for such action. The affairs of the colony were in great turmoil because of the seizure of powder and military supplies by the Governor, who, to save his life, was secretly easing himself out of the colony as rapidly as possible. Dunmore in a letter to Lord Dartmouth frankly wrote that the measure offered a fair opening for reconciliation,

> if the People of this Country were still under the influence of reason, or had not already thrown off every inclination to an accommodation of differences; it is no longer to be doubted, that

[2] Dartmouth to Gage, April 15, 1775, in Gage Manuscripts (In William L. Clements Library); also in *Gage Correspondence*, II, 192–93. Gage issued the proclamation June 12, 1775.

[3] Penn's speech and the reply of the legislature are found in *Dunlap's Pennsylvania Packet, or General Advertiser*, May 22, 1775.

[4] *Journals of the House of Burgesses of Va., 1773–1776*, p. xxi. For the original summons of the Governor of June 1, 1775, see *ibid.*, 174–75.

Independence is the object in view, and I am of opinion, that no warning will deter, nor offers divert them from making every attempt their leaders advise to establish it.[5]

The first appearance in America of North's motion hurried the radicals on to extremes. The seizure of the powder had already aroused the people of Virginia. The newspapers began to prejudice the people against the motion, to call it only a ministerial device to divide the colonies, and to insist upon the repeal of the obnoxious acts as a preliminary to negotiation. Dunmore therefore informed his lordship that he had "little or no good expectations from the resolution of the approaching Assembly of Virginia, ..." [6] In submitting the proposal to the Burgesses he declared it a wise, just and great concession, worthy of immediate acceptance. After nine days of deliberation, the Burgesses replied on June 10.[7] Thomas Jefferson wrote the reply, which in no uncertain terms stated Virginia's opposition to the proposal.

Next to liberty, the Burgesses considered reconciliation the greatest of all human blessings. In this attitude "we viewed it [North's proposition] in every point of light in which we were able to place it and with pain and disappointment we must ultimately declare it only changes the form of oppression, without lightening its burthen." [8] England had no right to meddle with the support of civil government in the colonies—"For us, not for them, has government been instituted here; . . . ." [9] No other legislature had a right to prescribe either the number or salaries of colonial officers. The attempt to make permanent the exemption from unjust taxation would, if successful, saddle them with a perpetual tax. Their money was theirs to grant just as freely as was that of Englishmen. They were the judges of the condition of

[5] Dunmore to Dartmouth, May 15, 1775, *ibid.*, xxiii. [6] *Ibid.*

[7] The committee chosen to draw up the reply was composed of: Treasurer, Mercer, Jefferson, Henry Lee, Munford, Dandridge, Nelson, Jones, Cary, Francis Lightfoot Lee, Whitinge and Charles Carter of Stafford, June 2, *ibid.*, 177.

[8] The reply of June 10, 1775, is found in *ibid.*, 213 *et seqq.* [9] *Ibid.*

their people, just as Parliament was of the inhabitants of Great Britain. It was not merely the mode of raising, but the freedom of granting, money for which they had contended. Without this financial check on the royal power, the union would be worthless, and the only means of obtaining the King's favor lost.

The proposal only promised not to use the power of taxation, and left unrepealed the act for restraint of trade, the Massachusetts Government Act, the Quebec Act, and many others of which the colonists had complained. The attempts, simultaneous with the peace effort, to subdue America and obtain the passage of a more injurious restraining bill seemed "to bespeak no intention to discontinue the exercise of this usurped Power over us in future." [10] Though the colonies agreed to contribute toward the common defense, they could not have free trade with all the world. In a revealing statement, they asked that England

> either be content with the monopoly of our trade, which brings greater loss to us and benefit to them than the amount of our proportional contributions to the common defence; or, if the latter be preferred, relinquish the former, and do not propose, by holding both, to exact from us double contributions.[11]

The proposition involved the other colonies. As Virginia was a member of the Continental Congress, the legislature hoped "no partial Application can produce the slightest departure from the common Cause."

The reply of the Virginia Assembly was so cogent, however, that it was not only the basis of the reply of Congress, but also received praise from the friends of America represented in the British Parliament.[12] Declaring that they were only one part of the "whole empire," they referred the proposal to Congress, in whose wisdom they had explicit faith. On June 16, Lord Dunmore sent in a curt comment that:

[10] *Ibid.* [11] *Ibid.*

[12] Bancroft, *History of the United States,* IV, 202.

"It is with real concern I can discover nothing in your address that I think manifests the smallest inclination to, or will be productive of, a reconciliation with the Mother Country." [13]

The New Jersey Assembly in its reply to Governor Franklin's communication likewise failed to agree that the offer was adequate and just. Without redressing grievances, it merely attempted by another method to obtain money from America. Approval of the resolution would mean the blind acceptance of taxation levied by fellow British subjects in no way responsible to Americans.[14]

A general meeting at Wilmington, North Carolina, resolved that the North proposal was such a glaring affront to the common sense of Americans

> that it added Insult to the Injury it intended them: That Lord North himself, when he introduced it, declared to the House, that he did not believe America would accept of it, but that it might possibly tend to divide them, and if it broke one Link in the Chain of their Union, it would render the enforcing his truly detestable Acts the more easy; . . . .[15]

The motion was a low, base, and "flagitously wicked" effort to trap the colonies, and ought to be rejected with contempt. Such local meetings stimulated the opposition. The most violent resistance, the strongest language, the worst radical propaganda, and the greatest scarcity of reason were found in the speeches and resolutions of such sessions.

North's resolution came up in Congress on May 26. However, uncertain of the success of its own peace efforts, that body postponed an answer to the British proposal and next day urged the states to prepare for defense.[16] Thomas Will-

[13] *Journals of the House of Burgesses of Va., 1773–1776,* p. 245.

[14] The address and reply of May 19 are found in the Philadelphia *Pennsylvania Gazette,* May 31, 1775.

[15] The resolution of June 26 is found in the *North Carolina Gazette,* July 7, 1775.

[16] *Journals of Congress,* II, 64.

ing, a delegate from Pennsylvania, reported a letter supposedly written by Lord North for the ear of Congress.[17] The letter expressed the hope that the terms would be accepted by all the colonies which had the least love for their King and country. If the colonists were not blinded by party faction, they would accept his offers as a solution of the question of taxation and as the basis of a treaty between the two countries. The American people ought to be satisfied with them; no further relaxation could be admitted, because ministerial leniency could no longer surmount the spirit and temper of the British nation. Furthermore, the ministry thought additional concessions injurious to both countries. No change of administration was at all likely, for the ministry was perfectly united in opinion and determined to pursue the most effective measures—if necessary, to use the entire British force to reduce the rebellious colonies to a state of submission. A confirmed opposition to the American Congress prevailed in England; the people would bear only a temporary obstruction to the American trade.[18] The letter was ordered to lie on the table.

Before Congress replied to the North resolution much delay and considerable debating occurred. Eliphalet Dyer, a delegate from Connecticut, wrote that Major Philip Skene, sent from London to become governor of Ticonderoga, Crown Point, and the Lakes, unable to assume the position because of the seizure of the region by American soldiers, had recently visited Philadelphia. Skene's journey through the colonies revealed that the ministry had planned his visit. He had bribed many members of the New York Assembly, and now had orders to draw on the exchequer in England for any sums necessary for corrupting Congress. Skene was to propose North's conciliatory plan, "and the dunce imagined he should have easy work to settle the whole controversy." [19]

[17] *Ibid.*, 71–72. [18] *Ibid.*, 72.

[19] Eliphalet Dyer to Joseph Trumbull, June 8, 1775, in Burnett, *Letters of Members of . . . Congress*, I, 115.

Dyer thought the ministry must be reduced to poor straits to use on so important an errand such a scoundrel as Skene. However, no evidence was found to show that Skene was acting directly for the government. He was one of the many Englishmen in America anxious to preserve the colonies for England; or, as he said, to establish "constitutional Government upon a solid and permanent footing." [20]

North's plan did not have easy sailing in America. Thomas Johnson, a lawyer and delegate to Congress from Maryland, wrote that there were two things America could wish of England—the establishment of American liberties, and a reunion with Great Britain. Yet, in order to strengthen the colonies, America ought so to conduct itself as to divide Great Britain and unite America. He favored sending the second petition to the King, because, among other reasons, the rejection of American petitions would strengthen and unite America and arouse opposition to the ministry in England. Johnson added:

> if, unhappily for the whole Empire, they [Englishmen] should once be convinced by our conduct that we design to break from that connection, I am apprehensive they will thenceforth become our most dangerous enemies; the greatest and first law of self-preservation will justify, nay compel it. The cunning Scotchmen and Lord North fully feel the force of this reasoning; hence their industry to make it be believed in England that we have a scheme of Independence, a general term they equivocally use, to signify to the friends of liberty a breaking off of all connection; and to the Tories that we dispute the supremacy of Parliament.[21]

North wished the plan to appear as a peace measure to embarrass the colonies by forcing them either to accept it and be slaves or to reject it and strengthen the position of Great

[20] He was commissioned by Burgoyne to grant protection to Loyalists. Skene to General Philip Schuyler, July 19, 1777, Sackville MSS., VI, Supplementary.

[21] Thomas Johnson to Horatio Gates, August 18, 1775, Burnett, *Letters of Members of . . . Congress*, I, 190.

Britain. England's policy of coercion excluded reconciliation; the result must be either slavery or independence.

The stakes of diplomacy, it seems, were alike on both sides of the water. Acceptance or rejection of American petitions would trouble the ministry and ultimately accomplish colonial aims. Britain offered this proposal with little hope of its acceptance. The government preferred an acceptance, but that failing, sought to divide the colonies, while appearing before the world as anxious for reconciliation. Sincerity and deceit lay back of the diplomacy of reconciliation.

Before Parliament approved North's measure, the American newspapers warned their readers to ignore the proposal, preserve their unanimity, and keep their arms ready to enforce justice.[22] Honor, pride, and dignity, if one believed implicitly the speeches and letters of the period, prevented a reconciliation. Lord North's bait was too thinly covered for the Americans to swallow it. The King, in common with many others, believed and hoped that New York would break away from the American union by accepting the peace proposal.[23]

William Lee, agent of Congress at Berlin, said the motion aimed to facilitate the passage of the measure to starve the four New England colonies and quiet the people until the ministers could execute their plans. The original impression that it yielded the right of taxation and assured a peaceful solution of everything in dispute spread over Europe and America, and even when the truth was known, people continued to think "what in their own minds, they at first believed; [but] this delusion is however wearing off and from the genius of the people I do expect they will soon be more violent than ever against the ministry." [24] The colonists could

[22] Extracts of letters from London dated December 21, 22, and 24, 1774, in the Boston *Gazette*, March 27, 1775.

[23] Extracts of a letter from a gentleman of rank in London, in the Williamsburg *Virginia Gazette*, June 23, 1775.

[24] William Lee to Richard Henry Lee, February 25, 1775, in Worthington C. Ford (ed.), *Letters of William Lee*, 3 vols. (Brooklyn, 1891), I, 128–29.

be certain that the policy of coercion, despite the peaceful assertion of Lords North, Bute, and Jenkinson, alone would be consistently pursued. North's motion had some effect on tobacco prices. When it was first known, William Lee declared "everybody without thought took all for peace, the stocks got up, and nothing has been material in the tobacco way since." [25] Better informed, he advised against any change of prearranged plans due to the motion, because it was "a trick to keep things quiet awhile here, which were just rising into a flame, ..." [26] Frenchmen had taken advantage of the lull in the English tobacco market and bought up large amounts in the hope that the price would increase.[27] It is, however, very doubtful that prospects of a reconciliation had more than a temporary effect on the commercial relations of England, France, and America.

In short, the colonial opposition declared: the proposal offered nothing substantial; its aim was to secure the passage of the restraining act; it was a trick meant to divide and deceive the colonies; it was just another of those untimely attempts to obtain a revenue which had begun with the Stamp Act; and the colonies could defeat the present effort just as they had the former one.[28] They offered North's speech of introduction as evidence to support their charge of insincerity. Furthermore, the British administration universally emphasized unconditional coercion, not conciliation.[29]

The double attempt to coerce and conciliate the colonies suffered unfair criticism as an example of duplicity. A conciliatory proposal without the power to give it stability and sincerity would show an inability to succeed by force. The colonial charge of insincerity must have had a profound effect on the unthinking masses. The radicals exercised con-

[25] Note to a letter of William Lee to Landon Carter, March 10, 1775, *ibid.*, 150.

[26] William Lee to Edward Browne, February 25, 1775, *ibid.*, 136–37.

[27] William Lee to John Ballendine and Company, March 6, 1775, *ibid.*, 145.

[28] See Wells, *Life of Samuel Adams*, II, 349 *et seqq.*

[29] A circular letter of April 27 to Committees in Charleston, South Carolina, found in the Philadelphia *Pennsylvania Evening Post*, May 20, 1775.

siderable control over the press and public opinion and in many instances stifled violently the most innocent exposition of the opposite view.[30]

The King's domination of the ministry, parliamentary corruption, and administrative shortsightedness explained colonial suspicion of British sincerity. "Like true Quacks," one Holland gentleman wrote, "they deal in inflamatories, and attempt to heal by exasperating the evil they should cure; . . . ." [31] The restraining bill would destroy the little influence of the peace effort and would further push all fishermen and seamen into an opposition to the ministry. He could not have put the avowed attitude of colonial leaders more concisely, when he added that "Lord North is only a tool to do the dirty work of his more dirty superiors and the *precious* Parl-t are in their place the tools to do his dirty work in return, for the pay he gives them: . . . ." [32]

The Loyalists, on the other hand, did not feel that reconciliation was impossible, and, the radicals charged, preferred the sacrifice of American principles for the peace and security which obedience would insure. They lost no opportunity to discredit popular moves and defend all conciliatory proposals. The irresistible power of England would ultimately crush colonial patriotism. Many remained loyal in the hope of future preferment. They claimed that wealth, aristocracy, and respectability were all on their side, and pictured colonial leaders as desperate bankrupts, the country in utter chaos, and the cause of independence hopeless. Confusion, insecurity, and the absence of leadership marked the deliberations of Congress. Never before did so weak a people dare to contend with such a powerful state; therefore, prudence could

[30] For illustrations of radical treatment of Tories, see Charles M. Andrews (ed.), *Journal of a Lady of Quality* (New Haven, 1921), *passim*. See also, a letter from London, dated March 3 and printed in the *North Carolina Gazette*, May 12, 1775.

[31] A letter from Holland to the Reverend William Gordon, May 2, 1775, in the Boston *Gazette*, July 3, 1775.

[32] *Ibid.*

not justify the present effort. The people should seek a royal pardon and restoration. Avoid the curse of posterity for the loss of property, seize the seducers, make peace with the mother country, and save precious lives—warned the advocates of reunion.[33] However, the author found few Loyalists who went out of their way to defend North's offer of 1775. They limited their attacks to broad objectives.

Before Congress officially answered the conciliatory proposition, it gave a foretaste of its reply in two important statements. In the "Declaration on Taking Arms" it called the proposal "an insidious manoeuvre" to divide America and establish a perpetual "auction of taxations" where colony should bid against colony, and "all of them uninformed what ransom would redeem their lives; . . . ." [34] For ministers to extort unknown sums, with only the mode of collection left to the colonies, was to exact terms as rigid and humiliating as could have been dictated by remorseless victors to conquered enemies. To accept such terms would be to deserve them.[35] If the proposal was an expression of British sentiment, Congress asked, in the second address to the inhabitants of Great Britain, why was it delayed until the nation had suffered useless expense and America was reduced to such a melancholy situation?—"Unless indeed to deceive you into a Belief, that we were unwilling to listen to any Terms of Accommodation." [36]

Congress preferred to ignore completely North's conciliatory act, but could not do that without manifesting obstinacy and opposition to all peace efforts. That an answer was delayed for two months shows that no precipitate action was taken concerning the motion. This delay may have been to show either a great maturity of judgment, or, more likely, indifference toward the act. Perhaps the delay arose from the

[33] Wells, *Life of Samuel Adams*, II, 263 *et seqq.*

[34] Document of July 6, 1775, found in *Journals of Congress*, II, 128–50.

[35] *Ibid.*

[36] Address to the Inhabitants of Great Britain, 1775, *ibid.*, 168–69.

desire to await the event of the first military actions. Before the conciliatory act arrived in America, the battle of Lexington occurred April 19, 1775, and the colonial troops won a reputation for courage. This success, though no more than a minor brush attack from a military view, caused colonial confidence and courage to rise by one tremendous leap and made it possible for Congress to take a broad view of the whole issue of reconciliation.

Military victory would have been deprived of its greatest glory had the proposal been accepted, as the historian Botta suggested, but he was hardly accurate in declaring that no risk was incurred by temporizing.[37] America risked the loss of determining its own mode of contribution. Certainly a subdued people would have preferred the privilege of raising money in their own way by their own agents to the humiliation of having their pockets emptied by foreign agents, backed by the perpetual menace of a large standing army to insure collection.

When Congress had sufficiently protected its dignity by delay it rejected the proposal. At the very moment of rejection, however, Congress desired to retain the appearance of wanting peace. On July 22 it appointed Franklin, Jefferson, John Adams, and Richard Henry Lee, a committee to consider North's resolution. Their report was laid before the Congress on July 25 and ordered to lie on the table for consideration. Jefferson wrote it, a fact which accounts for its similarity to Virginia's answer to the North resolution. It was taken up on July 31, debated paragraph by paragraph, and finally agreed to with but few changes.

The reply asserted that the colonies retained the sole privilege of granting their own money and denied the right of any extraneous body to dispose of it. The scheme would prevent a fair original estimate and allotment and take away from the colonies supervision of the use of the money. Therefore, to

[37] Charles Botta, *History of the War of the Independence of the United States of America,* 2 vols. (New Haven, 1834), I, 238.

propose as the North resolution did, "that the monies given by the colonies shall be subject to the disposal of parliament alone, is to propose that they shall relinquish this right of inquiry, and put it in the power of others to render their gifts ruinous, in proportion as they are liberal." [38] The privilege of withholding money prevented the undue exertion of power. The proposal was unreasonable. Forcing the colonies to bid against each other in the determination of sums to be granted by each would cause a division, because the ministry would previously detach certain "pet" colonies by a grant of easier terms. Since the suspension of the right of taxation was made expressly commensurate with the gifts of the provincial assemblies, these must be perpetual and continuous to maintain that suspension. A fixed and permanent sum would not obtain a kind disposition. Congress, therefore, favored annual grants.

Honorable proposals would have necessitated colonial sacrifice; insidious offers merited no consideration. A proposal to extort money by threat of force was not addressed to freemen, but to slaves. Would England patiently receive any plan when borne on the point of a bayonet by military plenipotentiaries? Force was unnecessary to obtain a revenue from America. Parliament had acknowledged that the colonies had contributed their share when requested to do so. Were both extra contributions and control of American trade wise or fair? Such a double loss would remove all source of revenue from America. One of the strongest arguments against the plan followed. If the colonies contributed equally with all parts of the empire, they should also enjoy free commerce with the whole world. America would grant England either a fixed contribution or a monopoly of its commerce, but it would not yield both. This was the crux of the situation, but England at that time demanded both.

Furthermore, Parliament had no right to meddle with the

[38] *Journals of Congress*, II, 226.

support of civil government within the colonies. "While parliament pursue their plan of civil government within their own jurisdiction, we also hope to pursue ours without molestation." [39] The proposal was unsatisfactory because it only suspended the mode of taxation without reference to the right of taxation. Nor did it propose to repeal the acts complained of in the petitions to the King. Instead, it had passed acts, simultaneous with the adoption of the peace proposal, to restrain the commerce and fisheries of New England and to shut off the trade of New England with the other colonies, with each other, and with foreign nations. This was undeniable evidence that Parliament determined to legislate indiscriminately over the colonies. The dispute centered not on the mode of taxation, but the right of taxation. If the King wished peace he should order a truce and treat jointly with the colonies. Congress called for a colonial constitution formed by mutual agreement.[40] Let England and America agree upon a Magna Charta for the latter and the empire would remain indissoluble.

The colonists in fact failed to understand North's proposal in respect to taxation. North suggested that the duties from the regulation of commerce were to be at the disposal of the assembly in the colony collected. He did not mean to exact a double proportion; he merely intended to secure a definite annual sum to avoid the inequality of past colonial grants. Grenville, before the passage of the Stamp Act, discovered that Americans could not agree on a definite annual sum. North's proposal was a fair attempt to avoid the former objection to internal taxation by Parliament by allowing the colonies autonomy over imperial allotments. North's skepticism as to the acceptance of his measure was not proof of any false intentions. He must have remembered the reply to Grenville's question and realized that the situation had scarcely changed.

[39] *Ibid.*, 230. [40] Bancroft, *History of the United States*, IV, 246.

In his opening speech to Parliament the King noted the stubborn and decisive answer of Congress.[41] The administration party concluded that the colonies, by their own words, determined to secede. Colonial rejection of the proposal limited the issue to unconditional coercion or absolute independence. Lord Dartmouth declared the back country of Virginia, North Carolina, and Georgia would throw off the dictatorship of the coastal regions, advocate a reunion, and eagerly accept the aid of British troops.[42] For these reasons the ministry postponed further immediate attempts at reconciliation and delayed indefinitely the sending of commissioners to negotiate for peace.[43] America wanted independence at all costs, but a strong navy and two good armies might thwart that result. The southern colonies would gladly accept a new peace offer, but Lord North kept his conciliatory ideas secret until he thought Parliament would give them full support.[44]

The opposition in Parliament reiterated old objections to North's proposal. When Lord John Cavendish moved to censure the administration for its past conduct and peace offer, he aroused a general, peevish, abusive, scurrilous, and petulant debate.[45] Horace Walpole requested the Duke of Richmond to urge the opposition to "inquire whether the conciliatory commissioners are gone, and what their commissions

[41] Speech of October 26, 1775, in *Parliamentary History*, XVIII (1775), 695–96.

[42] Dartmouth to William Howe, October 22, 1775, in the Clinton MSS., II. Lord Dartmouth and others might have noted with some relief that at least one colony in America had accepted Lord North's plan. Nova Scotia, the only colony to accept it, accepted the plan in full. See the account in Allan French, *The First Year of the American Revolution* (Boston, 1934), 572.

[43] Pulteney, *Thoughts*, 60–61.

[44] William Eden to Germain, October 3, 1775, in the Sackville MSS., 1775–1777. Owing to his knowledge of American affairs, Eden was rapidly winning the confidence and trust of North. See the letter of John Pownall to William Knox, October 10, 1775, in the Knox MSS., II, 32.

[45] Lord Germain to General Irwin, October 27, 1775, in the Historical Manuscripts Commission, *Report on the Manuscripts of Mrs. Stopford-Sackville, of Drayton House, Northamptonshire*, 2 vols. (London, 1904), I, 137. Hereafter cited as *Stopford-Sackville MSS.*

are; and whether they expect the Americans will trust them, ..." [46] The breach over reconciliation was widening between the parties in England as well as in America, and the opposition should lose no opportunity to attack the ministry.

In view of the dispute of the last decade, the least ministerial expectation that their offer would be accepted is puzzling. The proposal may have been a trick to win by indirection colonial consent to parliamentary interference in internal affairs. Certainly acceptance would have been tantamount to colonial consent to parliamentary taxation in all but name. Blindness to past experience and lack of intelligent advice alone explain North's expectation that any colony would consent to interference with its civil government. To free royal officials in the colonies from eternal squabbling with local authorities, Parliament sought to establish a permanent civil service in America free of colonial control. Such a proposal was not a compromise. It could but antagonize the very men who would have to pass upon its acceptance. A genuine offer would have met almost insurmountable obstacles; a last minute attempt to establish indirectly a strongly centralized colonial control, for which England had struggled over a century against relentless colonial opposition, countered all reason, not to mention the current expediencies of reconciliation. However, to avoid giving the impression that the government would tolerate no alternative to unconditional coercion, it probably thought some reply should be made to the American peace proposals. But so unacceptable was its proposition that even the Loyalists tacitly rejected it by their failure to advocate it and revealed their disappointment in the government's ignorance of the colonial situation. In fact, until 1778 England gave them no adequate proposal to advocate. Then it was too late to redeem the situation and

[46] Horace Walpole to the Duke of Richmond, October 27, 1775, Mrs. Paget Toynbee (ed.), *The Letters of Horace Walpole,* 16 vols. (New York, 1903–1905), IX, 276.

the Loyalists turned their wrath on British inefficiency and shortsightedness.[47]

Lack of mutual sincerity and understanding, three thousand miles of ocean, the absence of an adequate and full plan of solution, an obstinacy and pride which prevented sane and necessary concessions—these, among many other causes, brought about the failure of Lord North's peace proposal of 1775. Then, before bloodshed and war, was the only time Britain had the least chance to reunite peacefully the breaking parts of its empire.

[47] "Address of the Loyalists of New York City to commissioners for restoring peace—Lord Carlisle's commission, November 23, 1778," in Stevens, *Facsimiles*, no. 1226.

CHAPTER V

THE HOWE PEACE COMMISSION OF 1776

ALTHOUGH Parliament passed North's proposition of 1775 by an overwhelming majority, the ministry took no immediate action toward its execution, and the colonists leisurely debated its merit and sincerity.[1] Ignoring the irritation caused by delay, the ministry omitted all further efforts for reconciliation until December, 1775. That America would now initiate peace was even more than a sanguine ministry could expect. The situation in England made it extremely difficult to make a genuine concession to America. The government appeared to feel that concessions to rebels in arms were too humiliating and made no sincere effort to seek the most direct solution by brushing aside excessive pride, a strict adherence to points of honor, and vaguely established rules of diplomacy.

The first statements of the friends of the ministry gave a basis for the charge of the American leaders that British peace offers were insincere. As early as October 3, 1775, William Eden, who was to become a member of the Carlisle Commission of 1778,[2] wrote Germain, the colonial secretary, that New England desired independence at any cost and advised him to send more forces to America. With a good fleet on the coast and two large armies in the field, Britain might anticipate a favorable conclusion. He had earlier been informed

[1] The first mention found of the plan after its arrival in America was May 2, 1775. See *Journals of Congress*, II, 63n. The official documents and correspondence of the Howe Commission are in the London Public Record Office, Colonial Office, V, 177, but Stevens's *Facsimiles* also contain these documents and, being more available, are herein cited.

[2] *Cf. infra*, chap. x.

by Lord North that the British force in America could be more rapidly increased by giving a commission to a suitable person to settle everything in dispute "with any Colony which either fear, interest, fickleness, or duty, might bring to submission." [3] North believed the southern colonies would immediately accept reconciliation, but he would not propose it until he could collect a force equal to any emergency. This would assure the colonies that his peace offers were not a subterfuge to trick them into a reunion which force had failed, or would fail, to obtain.[4] Peace offers accompanied by a powerful force would give them dignity and save British pride.

In line with this policy the ministry won the passage of the so-called "Capture Act" [5] in December, 1775. It prohibited all trade and intercourse with the colonies while in rebellion; repealed the Boston Port Bill, "and also two acts, made in the last session of parliament, for restraining the trade and commerce of the colonies"; and enabled "any person or persons, appointed and authorised by his Majesty to grant pardons, to issue proclamations in the cases, and for the purposes therein mentioned." [6]

Thus, incongruous as it may seem, an act providing for the capture of all ships engaged in colonial trade, excepting those carrying food and supplies to the troops and loyal colonists, also empowered the King to appoint peace commissioners. It promised "a speedy protection to those who are disposed to return to their duty; . . . ." [7] Further, the commissioners were to pardon any number of persons by procla-

[3] William Eden to Lord Germain, October 3, 1775, in the Sackville MSS., 1775–1777. See also, *Stopford-Sackville MSS.*, II, 10–11.

[4] *Stopford-Sackville MSS.*, II, 10–11.

[5] The so-called "Capture Act" and the Prohibitory Act are different titles referring to the same measure. Danby Pickering (ed.), *Statutes at Large*, XXXI, 135. 16 George III, Cap 5.

[6] *Ibid.* For the two acts which were repealed see *ibid.*, 4. 15 George III, Cap 10, and *ibid.*, 37. 15 George III, Cap 18.

[7] *Ibid.*, 154. 16 George III, Cap 5.

mation. After the issuance of a proclamation, "or if his Majesty shall be graciously pleased to signify the same by his royal proclamation," pardoned persons or colonies were to be exempt from the above act.[8] Captured vessels belonging to the exempted group were to be returned upon proof of ownership; but the captors, if uninformed of the proclamation, were not to be made liable for the seizure of the ships. Conciliation and coercion thus went hand in hand.

The actual appointment of the commissioners was not made until May 3, 1776. In the meantime the ministry drew up the instructions to be given them. The failure to reveal the exact terms to be proposed irritated both the opponents and friends of the ministry. This lack of information caused the Lords to include in their protest against the second reading of the bill prohibiting all trade and intercourse with the colonies a clause concerning the commission provided for in the bill. Beyond the arbitrary power of pardon were rumors of the redress of grievances, but of this "neither the speech from the throne, nor the bill have given the least intimation." [9]

If the commissioners were to treat of redress and the powers of Parliament, they ought to derive previous authority from that body to give weight to their negotiations and preserve for it some appearance of dignity. Parliament should not always appear, inflexibly, as the instrument of penal restrictions, attainder, penalties, and confiscations, the composer of menacing addresses, and the rejector of respectful petitions. The minority was not "satisfied with permitting unknown persons whom ministers shall chuse in future to appoint, to dispose in America of powers and acts of Parliament at their pleasure; leaving us first the odium of rejecting reasonable requests, and afterwards the disgrace of ratifying

[8] *Ibid.*

[9] Protest of December 23, 1775, in the Cambridge, Massachusetts, *New England Chronicle; or, the Essex Gazette,* May 9, 1776.

shameful concessions." [10] This calm protest by no means represented the majority in Parliament. Many desired to know whether the commissioners were to be instructed to use North's plan of 1775 as a basis of negotiation.

Eden favored giving the commissioners authority to supersede all governors on the spot, convene representatives, arrange a scheme of taxation on easy terms according to North's plan of 1775, make some changes in the form of government in the colonies, open forts, and grant pardons. To him the commission was one of the most important in the history of the world.[11]

Ideas, plans, and terms flew back and forth in the period from December, 1775, until the commissioners left England. Underneath all this correspondence lay an implicit faith in the force of arms; on no point was there greater unanimity of opinion than on the wisdom of the policy of coercion. Almost in no instance was a genuine belief in the success of the commission expressed. It is doubtful that the ministry ever gave it serious consideration—if so, it was probably viewed as incidental to the effort to subdue America. They discussed submission,[12] not conciliation. Wedderburn, the Solicitor General, declared that actual submission meant more than the laying down of arms and the acceptance of pardons; it meant a legal submission to the authority of Great Britain. Better, he said, to continue the war than to yield this point. A submission to authority, not to force, would be the only durable solution. The ministry agreed that England should not yield any fundamental right to the colonies.[13]

Although North's motion had been rejected in America,

[10] *Ibid.*

[11] William Eden to Germain, October 3, 1775, in the *Stopford-Sackville MSS.*, II, 11.

[12] Lord Suffolk wrote Germain that he opposed North's faintest departure from the policy of coercion until the colonies disarmed, dissolved Congress, and restored "legal Government," March 7, 1776, in the Sackville MSS., 1775–1777.

[13] *Stopford-Sackville MSS.*, II, 11.

intimation was given Congress on certain material points tending toward peace.[14] In January, 1776, Lord Drummond, agent of Governor Tryon of New York, privately suggested that Congress determine the proportion each colony could contribute for common defense.[15] The contribution should be approved by the assemblies of the various colonies and should be derived from duties upon imports or exports most likely to keep pace with the growth or decline of the colony. Subject to disposal by the assembly, the local treasuries should receive other duties for the regulation of trade. The mother country was to renounce the claim of taxation and depend for aid in all cases upon the free gift of the colonies. Once these points were agreed upon, America could expect a repeal of the offensive acts and a limitation and fair division of the troops quartered in America. Had the people known that Congress refused these proposals, Lord Howe felt strong resentment would have arisen. If the colonies were interested, they might ask their delegates to Congress at the time.[16]

Despite their open sympathy with the American cause, the Howe brothers were chosen commissioners by the ministry.[17] Lord Richard Howe, dubbed "Black Dick" [18] by his sailors who admired his dark complexion, received a double commission. The King made him a peace commissioner and commander-in-chief of the British navy in American waters simultaneously. Fortune and social rank, however, were unable to overcome Lord Howe's natural indolence, which prevented the full development of his talents. Though able and self-educated, he had certain defects of quality—a deliberate and stolid exterior that betrayed a "phlegmatic composure

[14] Lord Howe to Germain, September 20, 1776, in the London Public Record Office, Colonial Office, V, 177. See also, Stevens, *Facsimiles*, no. 1201.

[15] Propositions made to certain members of Congress, *ibid.* Lord Drummond's proposals are also found in the Clinton MSS., CLXIV.

[16] Lord Howe to Germain, September 20, 1776, in the London Public Record Office, Colonial Office, V, 177.

[17] Sir Nathaniel W. Wraxall, *Historical Memoirs of My Own Time* (Philadelphia, 1845), 163.

[18] *Ibid.*, 207.

of spirit which required the spur of imminent emergency to rouse it into vehement action." [19] Further, "Steady as a rock, like a rock, also, Howe gave forth sparks only under blows that would have broken weaker men." [20] As an orator he made a poor figure; his ideas were too ill conceived and ambiguously expressed to be comprehended. A confused mode of delivery, rendered still more obscure in the Commons by the distance between his back row seat and the speaker's chair, decreased the effect of his oratory and led Burke to comment that "Obscurity is a source of the sublime." [21] Habitual reticence restrained his conversation, but there was little doubt that the necessity of fighting America caused him keen regret.[22] He sincerely desired peace with America, and, when he found the instructions unsatisfactory, threatened to refuse the commission.[23] George III soon wrote with evident indifference that "if Lord Howe would give up being a Commissioner I should think it better for himself as well as the Service." [24] Howe's opposition to ministerial advice concerning the instructions and additional members of the commission irritated the King.[25]

Lord Howe's consent to serve under such inadequate instructions, according to Samuel Adams, revealed his docility. Noting his support of the King's measures in Parliament, Adams said he either lacked good principles, or the presence of mind openly to avow them.[26] But he could not see the

[19] Alfred T. Mahan, "Admiral Earl Howe," in *Atlantic Monthly* (Boston, 1857–), LXXIII (1894), 27.

[20] *Ibid.*

[21] Wraxall, *Historical Memoirs of My Own Time,* 207–08.

[22] Mahan, "Admiral Earl Howe, " in *Atlantic Monthly,* LXXIII (1894), 26.

[23] A report of March 12 from London, in the *New England Chronicle,* June 13, 1776.

[24] George III to Lord North, April 13, 1776, in Fortescue, *Correspondence of George III,* Vol. III, 351.

[25] He refused to take William Knox as a secretary and reluctantly consented to have his brother join him. See the account of the preliminaries of the commission of 1776, in *Reports on MSS. in Various Collections,* VI, 258–60.

[26] Samuel Adams to Samuel Cooper, July 20, 1776, Harry A. Cushing (ed.), *The Writings of Samuel Adams,* 4 vols. (New York, 1904–1908), III, 303.

good qualities of a commissioner whose purpose it was to thwart his "darling" idea of independence.

The younger of the two brothers, Sir William Howe, was already in America as commander-in-chief of his Majesty's forces. He needs no identification in this study because his traits, good and bad, have often been set forth. His inclusion in the commission was the result of ministerial insistence. Both Lord Howe and General Howe were criticized bitterly for accepting a civil commission to restore peace simultaneously with their military commissions to subdue the colonies. General Howe later defended himself in his *Narrative,* published in 1780. He preferred peace by negotiation to peace by force and went to the limit of his inadequate powers to obtain a peaceful solution, but denied that his anxiety to effect such a result influenced in the least his military operations. The opposition of the rebel leaders to reconciliation, based on interest or principle, caused him to exert his utmost to crush the rebellion by force. He could not ignore the publicly implied incompatibility of his civil and military commission, but he boldly reiterated that his status as a peace negotiator had nothing to do with his military duties: "indeed those who are acquainted with my commission and instructions, as a Commissioner of peace, must know, that from the restrictions they contained, it was next to an impossibility, that my military could materially interfere with my civil duty." [27]

Both these men condemned the colonial policy of the King, befriended the colonies upon every opportunity, and opposed the war against their fellow Englishmen. Further, their elder brother, Lord George Howe, had endeared himself to the colonies by his services and his death in the French

[27] Sir William Howe, *The Narrative of Lieut. Gen. Sir William Howe, in a Committee of the House of Commons, on the 29th of April, 1779, Relative to His Conduct, during His Late Command of the King's Troops in North America: to which are added, Some Observations upon a Pamphlet, entitled, Letters to a Nobleman* (London, 1780), 32. This pamphlet is found in the Clements Library, Ann Arbor, Michigan.

and Indian War at the Battle of Ticonderoga, on July 8, 1758. The commissioners, therefore, were *personae gratae* to the colonists. Lord Richard Howe, especially, desired the honor of reconciling the colonies to the mother country, but his desire for honor did not color the sincerity of his wish for reconciliation.

In the "Orders & Instructions" [28] of May 6, 1776, the King commanded the commissioners to "proceed with all convenient Speed" to America and there restore public tranquility, mutual confidence, and colonial submission to lawful authority. By proclamations they could pardon, with certain necessary exceptions, individuals and groups for treason and restore them to the King's favor. When any colony, town, port, district, or place accepted pardon and renewed allegiance to the King, it could resume its trade. Before the restoration of any region to its proper and legal relationship, however, war in the district must be stopped, assurances of future good behavior given, and preliminary conditions accepted. First, all provincial congresses, committees, conventions, and other associations which had usurped the powers of legal government and had limited the trade of the colonies with England must be dissolved and the "Constitutional Officers of Government allowed to resume their Functions." Secondly, colonial armies established by illegal bodies should be disbanded and all forts and strongholds, unless held by men not in the pay of the colony, restored to British control.

After the execution of these preliminary terms, the commissioners were to call for elections to a new legislature. This body could then apply for relief from trade restrictions on the colony and be declared at the King's peace. However, unless the legislature specifically expressed its determination to renew allegiance to England and showed absolute sincerity of intention, the power of abolishing trade restrictions should be suspended until the King could review the situation.

With North's conciliatory proposition of 1775 as the basis

[28] These instructions are in the Knox MSS., IX, 19.

of negotiation, the commissioners could confer individually or collectively with those colonies which had agreed to the preliminary conditions and had a legislature set up by their authority. Nevertheless, justice required that the Loyalists receive compensation for lost property, the damages to which the judges of the superior courts of justice were to ascertain. Once any qualified colony agreed, as a preliminary, to compensate the Loyalists, discussions could begin concerning the proportion of contribution each colony ought to assume. The rules of the existing associations, a comparison of the exports and imports of each colony, or any other suitable method could guide them in deciding upon a just proportion. However, each colony could raise its share in any way it wished as long as it continued willingly to pay it. Britain desired an annual contribution and for it allowed the colonies almost full discretion as to the method of raising it. One important limit alone restricted colonial freedom in raising the necessary funds: the colonies could not tax the products of British-colonial trade.

Furthermore, the commissioners should do their utmost to erase the errors and abuses of colonial government which weakened "that constitutional Relation in which they stand to the Legislative & Executive Government of Great Britain; . . . ." It would be to Britain's advantage if commissions to colonial judges could agree with those granted to judges in England; it would add to the dignity of legislation if a separate council, composed of persons of property and irremovable except upon some charge of misconduct by the Privy Council or by Parliament, could act as a third branch of the legislature in each colony. England sought these changes and in return promised to abolish "any improper restraint" upon colonial legislatures and to revise all laws by which the colonists "consider themselves as aggrieved." The government determined, implied the instructions, to correct abuses in colonial government and bind the colonies more closely to England. "A due Subordination to the Authority

of the parent State" required that "Errors" interwoven into charters granted decades ago, especially those of Connecticut and Rhode Island, be reformed. The King complained of governors ruling without British approval and of legislation not being subject to British review.

The Act of Parliament establishing the government of Quebec was emphatically not to be drawn into question or the least discussion, "it being Our Royal Intention that any further Consideration of that Act (if at any time such Consideration shall become necessary) be not mixed with those Questions which have been made the pretext of Rebellion in Our other Colonies." The King could not direct the course of the procedure in conventions with delegates from the colonies individually or collectively, if it should be necessary to assemble them collectively, but he warned the commissioners to promise nothing that would preclude "Our Royal Determination."

In "Additional & Separate Instructions" [29] given to the Howe brothers on May 6, 1776, the government outlined the special procedure for restoring Connecticut and Rhode Island. In addition to their acquiescence in the general process of reconstruction, outlined above, they were required to repeal all laws restraining the subject's right of appeal to the Privy Council, denying Britain's right to choose commanders of their militia, and exempting the people from the control of Parliament. In addition, their governments had to conform to other royal governments; the appointment of their governors had to meet the King's approval; and their charters had to allow the subjection of all laws to British review. Until those colonies submitted to these changes, no conferences should be held with them, unless insistence on such changes should endanger a general reconciliation.

A wearisome compromise of ministerial differences of opinion lay back of these instructions. Germain wished the col-

[29] *Ibid.*, 20.

onies to acknowledge specifically and as a *sine qua non* parliamentary supremacy; North thought such a recognition necessary before a final decision, but not as a preliminary feature; and Dartmouth opposed its being required at all. Germain feared North meant to yield parliamentary supremacy in the end and stubbornly insisted upon his own view. Pownall wrote the instructions and, by decision of the cabinet, inserted in the final draft the necessity for colonial recognition of British legislative supremacy over the colonies in all cases whatsoever. The ministry rejected Knox's proposal to have the governors call together and inform the assemblies that they might pass acts to negotiate with the commissioners when illegal congresses were dissolved, legal governments restored, and troops disbanded. But Germain now insisted that the assemblies could not choose delegates to negotiate with the commissioners until they accepted the principle of parliamentary supremacy. Dartmouth threatened to speak out against Germain's plan and then to resign; North also, he thought, should openly oppose such a stern course and resign his office. Germain of course did not wish to push his view to that extent and expressed the opinion that he himself should resign. In fact, with the forces he had just collected, he thought he had a fair prospect of subduing the colonies. He wished to crush them before treating at all. If peace were once restored without a colonial declaration of the right of parliamentary supremacy, neither Parliament nor the ministers would renew the war for the sake of obtaining the declaration. In the negotiations, Knox opposed suspending hostilities against the New England colonies, who had despised the power of Britain. They should feel British strength before terms were offered, but the southern colonies might be treated more leniently in order to wean them away from New England. After consulting Lord Mansfield, the cabinet decided to wait for the colonies to seek pardons first before restoring them to the King's peace. Then, if they did

not accept the British view of legislative supremacy, the commissioners were not to restore them to peace until they received further instructions.[30]

Lord Howe showed his sincerity of purpose in his discussion of the instructions with Germain. Before his appointment, he consulted Germain constantly and on March 26 objected strongly to some of the terms. He noted that his first act in America would be to publish the preliminary conditions upon which the colonies could expect the King's grace and mercy, but he opposed the special limits on Rhode Island and Connecticut and did not wish to accept the commission until the inequality was removed. If the colonies accepted the article authorizing them to be placed at the King's peace, would it not be preferable that the governors, without the interference of the commissioners, frame the peace in their respective provinces? Why not let the colonies know definitely what to expect without holding any powers in reserve? Observing the intention of the ministry to hold back certain offers at first, he declared himself "disqualified from engaging as a commissioner in the execution of Instructions framed on that plan." [31] He would undertake the commission if the propositions to the colonies were as follows:

> If they will agree to offer a contribution in lieu of taxation, lay down their arms, restore the civil government, and by their assemblies declare their obedience to the authority of the British Legislature, and apply to be relieved from the restrictions upon their trade, in such manner as shall be deemed a satisfactory evidence of their future good intentions, they shall then be declared at the King's peace, and any complaints made in a dutiful manner shall be received and favorably considered.[32]

On April 1 Lord Howe complained to Germain that the exceptions of Rhode Island and Connecticut had not been

[30] "An account of proceedings previous to sending Lord and Sir William Howe out as commissioners," in *Reports on MSS. in Various Collections*, VI, 258–60.

[31] *Stopford-Sackville MSS.*, II, 26.

[32] *Ibid.*

removed. These provinces were still to remain under the Prohibitory Act until suggestions concerning a change of their charters were sent to England. Why must they wait that long? Could not the commissioners take with them, in their instructions, the authority to make the alterations desired by the ministry? If those colonies agreed to the changes, why could not the commissioners, instead of the ministry, declare them at the King's peace? He understood that declaring peace and granting pardons were the full powers of the commission.

> But he humbly submits whether the desired accommodation would not be facilitated, if the Commissioners conferring upon the point of taxation were at liberty to enter upon some explanation of the conciliatory proposition of the House of Commons, so far at least as to intimate what ideas of contribution they can with any hope of success transmit to his Majesty's Ministers for the consideration of Parliament.[33]

In his reply of the following day, Germain stated that he did not understand Rhode Island and Connecticut to be so proscribed as Howe imagined, for if they consented to a proper alteration of their charters, and acknowledged the legislative authority of Great Britain, he did not think the following words of the instructions, "that you do not declare those Colonies to be at our peace until some measure is agreed to for rendering those Governments more immediately subject to the authority of Great Britain," [34] could preclude him from placing them on the same footing with the other provinces without sending to England for further powers. He advised Howe to acquaint himself with the views of the ministry, especially of Lord North, regarding taxation. No specific instructions could be given on that point. He hinted that if Howe would study the Restraining Act carefully, he would discover that the commissioners were in any case merely empowered, not required, to declare the rebel-

[33] *Ibid.*, 27. [34] *Ibid.*, 28.

lious provinces at peace. Though, without consulting the other ministers he could not change the instructions, Germain expressed the hope that Howe would be a commissioner.[35]

Wedderburn wrote Germain on April 24, expressing the belief that Lord Howe would accept the commission as he had insisted on being the sole commissioner, and no one else had been thought of to take his place. His concern over the instructions seemed to imply a strong wish not only to accept, but to follow them, a fact which required their trusting him. Up to this time the instructions had been thought of only in the light of success. They must be revised with the idea of the light in which they would appear if they should fail. He believed Howe's objections were conscientious and sincere, because most men going as commissioners would have preferred poor instructions behind which to shield themselves.[36]

From Halifax, Nova Scotia, General William Howe, on April 26, wrote Germain that conciliation was impossible until the rebel army was defeated. The rebels could retire into the woods, away from navigable rivers, and for lack of transportation facilities could not be pursued.[37]

Despite General Howe's attitude toward conciliation and the objections raised by Lord Howe, the King appointed them commissioners and Henry Strachey secretary. Lord Howe sailed from St. Helens on board the King's ship, the *Eagle,* on May 12. Why were the selection and departure of this commission so long delayed? Was it due to Lord Howe's desire to obtain better instructions, the government's feeling of the hopelessness of a reconciliation, or the secret design of the ministry to delay until the colonies had declared their independence? An answer has not been found, but Charles James Fox suspected the last.[38]

[35] *Ibid.* [36] *Ibid.,* 28–30. [37] *Ibid.,* 30–31.

[38] Debate on motion of Lord Cavendish, *Parliamentary History,* XVIII (1775), 1434.

Ten days after Howe had sailed for America, General Conway moved in the Commons:

> That an humble Address be presented to his Majesty, praying that his Majesty would be graciously pleased to communicate to this House so much of the Instructions given to Lord viscount Howe and general Howe, . . . as relates to the conditions on which it is proposed to make peace with, or receive the Submissions of, his Majesty's American subjects now in arms.[39]

Inasmuch as British troops had been defeated, he did not think it suitable language for the administration to demand unconditional submission. Would it be to the interest of France and Spain, then arming, that America should be conquered? North refused to communicate the instructions without some special reason. He said that in a general sense the powers given were those embodied in the act of Parliament empowering the King to appoint commissioners. He had no fear of foreign powers. At this statement Burke again derided North for his ruinous policy and declared America would accept no general and uncertain terms. How was a peace commission to be reconciled with the doctrine of unconditional submission? North had not only refused to communicate the instructions to the House, but had refused even to tell why he would not. Conway's resolution was lost by a vote of 85 to 171.[40]

While the commissioners sailed toward America, the King spoke at the close of the session in May. He noted with evident pleasure that the state of foreign affairs had remained stable during the session, and, from the assurances he had, he anticipated no future changes. He still hoped his "rebellious subjects may be awakened to a sense of their errors, and that, by a voluntary return to their duty, they will justify me in bringing about the favorite wish of my heart, the restoration of harmony. . . ." [41]

However, better instructions were needed to prevent a

[39] *Ibid.*, 1359. [40] *Ibid.*, 1362. [41] *Ibid.*, 1366.

complete separation of the colonies from the mother country. Before Lord Howe arrived several events had occurred to check all possible success. Commensurate with the rise of the movement for independence was the decline of the chances of a reconciliation. On December 4, 1775, Congress unanimously resolved that in the present situation it would be dangerous for any colony to petition the King separately. When rumors were broadcast that peace commissioners were coming, the colonists were aroused. The South Carolina assembly approved the resolution of Congress and resolved further that if any persons sent from England to treat with the colonies arrived in that province, they should not be allowed upon any pretense to land or to remain longer than forty-eight hours, wind and weather permitting. While there, they should hold no communication with any person in the colony except through the President of Congress. If such peace commissioners arrived by land, they should be immediately escorted out of the colony.[42]

Before Lord Howe arrived in America, the second week in July, the revolutionary party had discredited his instructions; accused the ministry of duplicity; declared the offers a snare; asserted the British government sought an unconditional submission; and considered the peace effort an insidious attempt to divide it and weaken its military strength. William Hooper, delegate to Congress from North Carolina, said the commissioners could negotiate with towns, counties, and special groups, but not with Congress, lest they might unintentionally recognize its legality. If the colonies would hold out long enough and resist the allurements of British parade, persuasion, venality and corruption, the commissioners would hold forth a clean slate to America.[43] Elbridge Gerry, delegate to Congress from Massachusetts, thought America

[42] *The Remembrancer, or Impartial Repository of Public Events,* 17 vols. (London, 1775–1784), III (1776), 146–47.

[43] William Hooper to Joseph Trumbull, March 13, 1776, in Burnett, *Letters of Members of . . . Congress,* I, 387.

had gone too far to recede.[44] John Adams wrote that if the English peace commissioners came not prepared to grant the provisions of the Declaration of Rights, the colonists would not be slow in deciding what to do.[45]

In 1776 America was playing for great stakes, and Washington felt sure of winning if the cards were well managed. The current inactivity, disaffection, and timidity were qualities to be feared and changed. Weak minds, he feared, saw not the duplicity and inconsistency of restraining acts and a peace commission.[46] Although wishing for peace, he saw no signs of it in the speeches of the ministry in Parliament. To facilitate a separation, the only hope left America, a change in the system of representation in Congress was necessary because too many delegates favored reconciliation. As a soldier he saw that the day for diplomacy had gone and the need for a solid union existed. Hence, he called for a Congress that would lose no time toying with a possible reconciliation and hesitating to support the cause.

Avoiding the real objection, Joseph Reed wrote that: "Private pique, prejudice, and suspicion will make their way into the breasts of even good men sitting long in such a council as ours; and whenever that is the case, their deliberations will be distrustful, and the public interest of course will suffer." [47] The Continental Congress grew irritable and restless, waiting for Lord Howe.

The coming of commissioners caused in varying degrees of intensity colonial anger, fear, hesitation, doubt, disgust, and hope—emotions demonstrating how seriously the colonists regarded the peace effort. Public honor made it necessary to wait for Lord Howe's arrival before taking any drastic steps toward independence, but the colonies had gone too far to

[44] Elbridge Gerry to James Warren, March 26, 1776, *ibid.*, 409–10.

[45] John Adams to James Warren, April 2, 1776, *ibid.*, 413.

[46] George Washington to John Augustine Washington, March 31, 1776, John C. Fitzpatrick (ed.), *The Writings of George Washington,* Vols. I–XI (Washington, 1931–1934), IV, 451.

[47] Joseph Reed to Washington, March 15, 1776, *ibid.*, 455.

recede and could not long delay the choice between a reunion and independence. A separation would secure foreign alliances and assistance. Radicals never tired of pointing out that the battles of Lexington and Concord, Warren's death, the burning of towns, the alleged attempt to incite the Indians to war against the colonists, and the accompaniment of the commission with the sword cut off the last hope of reconciliation and forced them into a reluctant but necessary independence.[48] By hesitation the American cause lost prestige. American salvation depended on colonial energy and enthusiasm, not on false hopes of reunion. Of such enervation, James Bowdoin wrote:

> We have already shown too much of it, which instead of attributing it to the true cause—a desire on our part of a reconciliation & the keeping open the door for it—they have looked on as proceeding wholly from pussilanimity, which they expected would end, if rigorous measures were taken with us, in an abject submission.[49]

With this, Samuel Adams was in perfect accord. Anything that distantly touched upon the possibility of reconciliation was nauseating to this gentleman. He did not believe commissioners were coming and he scorned their reputed genuine offers.[50] They would make offers only to take advantage of the delay caused thereby, give vain hopes to a few, and slow up enlistment in the army. He would give no advantage to the enemy.[51] He had reason to fear that attempts at reconciliation would undermine the strength of the army. Major General Lee wished for eight eighteen-pounders so he could

[48] America would endure anything but arbitrary taxation, wrote a "Philadelphia Merchant" to Sir Robert Herries, February 15, 1776, in Sackville MSS., 1775–1777. Herries sent an extract of this letter to Germain, June 27, 1776, in *Stopford-Sackville MSS.*, II, 21.

[49] James Bowdoin to Samuel Adams, December 9, 1775, in Hazelton, *The Declaration of Independence—Its History*, 36.

[50] Samuel Adams to Joseph Hawley, April 15, 1776, in Cushing, *Writings of Samuel Adams*, III, 280–81.

[51] Samuel Adams to Horatio Gates, June 10, 1776, *ibid.*, 292–93.

take the post on Craney Island, one of the finest in America, and drive out the enemy. "This essential measure might have been effected long ago, but the same apathy and oblique squinting towards what the milk-and-water people call reconciliation, the prodigious flattering prospect opened by the appointment of Commissioners, were strong arguments against the expense of gun-carriages and intrenching tools." [52]

To counteract British intrigue Washington was reported to have issued a proclamation to seduce the British officers and soldiers from their allegiance. The proclamation stated that it was known how dissatisfied many of the officers and soldiers were and how reluctantly they had joined the army against America in violation of the British constitution. In order, therefore, that no "fit encouragement may be wanting to all such military men, as are willing to quit the king's service and settle this country, . . ." he would give:

To every field officer,	10,000 Acres.
To every other commissioned officer,	5,000 Acres.
To every non-commissioned officer,	500 Acres.
To every private,	200 Acres.[53]

This land was to be purchased from the Indians, free of quitrents and fees. If the owner rejoined the British service, his certificate of ownership would be void.

A more effective way of defeating the peace effort was ushered forth through Thomas Paine's broadsides. Few would deny the powerful influence his writing had on the movement for independence. Just as he served to advance that idea, he helped to weaken the chances of an accommodation.

[52] Major General Lee to Washington, April 5, 1776, Jared Sparks (ed.), *Correspondence of the American Revolution; being Letters of Eminent Men to George Washington, from the Time of His Taking Command of the Army to the End of His Presidency,* 4 vols. (Boston, 1853), I, 183–84.

[53] Boston *Continental Journal and Weekly Advertiser,* June 27, 1776. The author found no proof that the above proclamation was actually issued. However, on August 14, 1776, Congress did resolve to give 50 acres of unappropriated lands to every deserter from the British army. *Journals of Congress,* II, 654–55.

Much that he said against reconciliation could be challenged if placed under the scrutiny of logic and reason, but he wrote *Common Sense* at a time when events had brought men to an attitude in line with its ideas. Like Jefferson's Declaration of Independence, his ideas on reconciliation symbolized radical opinion, which from January to June in 1776 gained widespread acceptance. Undoubtedly, Paine helped to advance and foster a spirit opposed to reconciliation. While others had expressed his ideas in more refined language, he helped to create an irreconcilable attitude among the masses.

To Paine it was repugnant to reason, the universal order of things, and tradition to suppose that the North American continent, meaning the thirteen colonies, and possibly Canada, could long remain subject to any external power. The most sanguine in Britain agreed with this. The utmost stretch of human wisdom could not at the time vision a plan, short of separation, that could promise even a year's security. "Reconciliation is *now* a fallacious dream. Nature hath deserted the connexion, and art cannot supply her place." [54] Since all previous methods for peace had failed and nothing but force would avail, he advocated a final and immediate separation, opposed leaving the work of cutting throats to future generations, emphatically asserted that despite a temporary reunion there could be no security against future oppression, and, for proof, recalled the British policy of vacillation from coercion to conciliation since 1765. England would soon be incapable of governing America, because the latter would be too immense to be ruled from such a distance. If England could not conquer the colonies, she could not govern them. With unusual insight, he declared, "To be always running three or four thousand miles with a tale or petition, waiting four or five months for an answer, which, when ob-

[54] Thomas Paine, "Thoughts on the Present State of the American Affairs, 'Common Sense,'" *The Political Works of Thomas Paine* (Chicago, 1879), 26.

tained, requires five or six more to explain it in, will in a few years be looked upon as folly and childishness—. . . ." [55] Small islands, incapable of protecting themselves, were suitable for royal control, "but there is something absurd, in supposing a continent to be perpetually governed by an island. In no instance hath nature made the satellite larger than its primary planet; . . . ." [56] The true interests of America lay in a separation.

With doubtful sincerity he said no man favored reconciliation more strongly than he before the Battle of Lexington. Because the supreme power in the British government centered in the King, allowing him still to rule as he pleased, an immediate reunion would ruin America. After a reconciliation, the King to avoid future uprisings would keep America perpetually subdued. Though he could veto British as well as colonial legislation, his residence in England made all the difference. In America it would be ten times more dangerous in its effect, "for there he will scarcely refuse his consent to a bill for putting England into as strong a state of defence as possible, and in America he would never suffer such a bill to be passed." [57] In the British political system America was merely a secondary object, which the government subjected to its own ends. He opposed reconciliation based on a return to pre-1763 conditions because the King's acceptance would be insincere. The King would agree to that plan to reinstate his rule over the colonies by craft and subtlety after force had failed. Reconciliation and ruin were synonymous terms to Paine. At best, reconciliation could be but temporary; it could exist only until America came of age. Hence, why not skip this period of uncertainty and come to a separation at once? [58] Thus the flaming arguments of Paine spread in their path defeat to reconciliation. Written in plain language, with a dramatic theme and an appeal appropriate to those "stirring times," they came as John Adams wrote to his wife,

[55] *Ibid.*, 27. [56] *Ibid.* [57] *Ibid.*, 29. [58] *Ibid.*, 29 *et seqq.*

Abigail, "like a ray of revelation, . . . seasonable to clear our doubts, and to fix our choice." [59]

Paine's writings had a wide influence. Except for the newspapers of the period, however, his appeal would have been greatly limited. The radicals quickly won control of most of these papers and through them voiced an effective opposition to reconciliation.[60] Arguments, pamphlets, documents, and letters came to light in these papers only when they could be of some definite use to the cause of independence. A Tory speech or letter was printed only to be sneered and scoffed at as an illustration of British perfidy.

Friends of America on both sides of the water carefully guarded colonial interests. One unidentified Londoner begged the colonies to shun promises of pardon and attempts at division by separate negotiation: "But who cannot see through this insidious plan? What colony will be so blind, so irrational, as to be duped into a submission to tyranny?" [61] Urging them to avoid the snare, and never to lay down their arms until British armies were withdrawn, he expressed the encouraging opinion that more than one-half of the people of England were for the American cause.

Even the ghost of Montgomery, who had been killed while trying to capture Quebec, was aroused to warn a delegate to

[59] John Adams to Abigail Adams, April 28, 1776, in Hazelton, *Declaration of Independence*, 50.

[60] So effective was this opposition and so implicit was popular reliance on the Whig press that Ambrose Serle helped to organize the Tory press in New York to offset it. "Among other Engines," he declared, "which have raised the present Commotion next to the indecent Harangues of the Preachers, none has had a more extensive or stronger Influence than the Newspapers of the respective Colonies." Serle to Lord Dartmouth, November 26, 1776, Stevens, *Facsimiles*, no. 2046. However, Serle never exercised any real censorship or "control of the press." He wrote only a few articles for the New York *Gazette & Weekly Mercury*. Serle's real job was to handle problems of the civilian population, gain information about America, and find ways of using the aid of Loyalists. This was done in his official capacity as Secretary to Lord Howe. See Edward H. Tatum, Jr., "Ambrose Serle, Secretary to Lord Howe, 1776–1778," in *Huntington Library Quarterly*, II, No. 3 (1939), 265–84.

[61] *Virginia Gazette*, February 23, 1776.

Congress against listening to terms of conciliation. Could the terms be honorable after the King had called the colonists rebels? Freemen were fighting for the rights of humanity and were not subjects for pardon. Destruction and bloodshed mattered not; war was transitory, but slavery continuous. The ghost warned the delegate to secure independence at once, because delay would mean that within a few years large colonies like Massachusetts would win independence for themselves and leave the weaker ones to the cruel mercy of Great Britain.[62]

The radicals were anxious to see the propositions of the commissioners, for the suspense retarded the movement for independence. Robert Morris put the American situation squarely when he said:

> Where the plague are these Commissioners, if they are to come what is it that detains them; It is time we should be on a certainty and know positively whether the liberties of America can be established and secured by reconciliation, or whether we must totally renounce connection with Great Britain and fight our way to a total independence. Whilst we continue thus firmly united amongst ourselves there[']s no doubt but either of these points may be carried, but it seems to me we shall quarrel about which of these roads is best to pursue unless the Commissioners appear soon and lead us into the first path, therefore I wish them to come, dreading nothing so much as even an appearance of division amongst ourselves.[63]

Upon every rumor concerning commissioners a violent opposition arose in defense of the colonies. From the anxiety caused by the peace effort, the impression remains that the rebel leaders may have doubted the strength and loyalty of their own supporters and really feared serious offers might be made. One writer noted that it behooved America "after having manfully resisted violence," not to be "meanly duped

[62] *Ibid.*, March 8, 1776.

[63] Robert Morris to Horatio Gates, April 6, 1776, in Burnett, *Letters of Members of . . . Congress*, I, 416.

by artifice." [64] Arrest the commissioners the moment they set foot on American soil, advised Cassandra, "and send them, under strong guards, to the Congress, with the strictest injunction that they be permitted to speak with no man, besides the guards and their servants, until they arrive in Philadelphia; . . . ." [65] A delegation from Congress should there wait upon them to discover their answer to one question: "Have you authority to order home your fleets and armies immediately?" If they received a negative reply, the negotiations should be stopped and the commissioners sent to British army headquarters, with the lone response, "That we scorn as much to treat with a dagger at our breasts, as we disregard their forces." On the other hand, if they received an affirmative answer, they should wait until news had arrived of the army's landing in England. Meanwhile, the commissioners should not associate with the colonists in any way before the conclusion of a final treaty. Every hour spent in conference with commissioners before this happened was an hour lost by America and two gained by Great Britain. But this loss would be merely incidental to the immense damages that would arise from deceit, corruption, English gold, government promises, pensions, titles, and every art "which malice, cunning, and religious hypocrisy can invent or use, ..." [66] These weapons judiciously applied would convert the weak, without their even reaping the promised rewards. The colonists should be careful, in looking at the "prime minister," Parliament, and commissioners, not to lose sight of the King and the army. He compared the dispatch of the commissioners to America to the Trojan horse stratagem for those of small perception.

[64] Boston *Gazette,* March 11, 1776. [65] *Ibid.,* March 18, 1776.

[66] This statement is found in an article by Cassandra in *ibid.* Cassandra, the beautiful daughter of Priam, was beloved by the god, Apollo. To secure her compliance with his wishes he gave her the power of foretelling future events. But when she refused to yield to his desires, after having won the power of prophesy, Apollo made it so that, although she always told the truth, no one would believe her. Many writers of the period assumed the name of "Cassandra."

A writer under the same pseudonym continued the attack on the commissioners. He distinguished between the real and nominal minister of England: measures of the real minister were prosecuted, but those of the nominal one might not be. Though England had pursued one consistent policy for the past twelve years, she had been accused falsely by politicians of spineless vacillation. The King really ruled while North, playing his old game of reconciliation, now assumed "his new character, which is that of deceiver of America, and amuser of the nation." [67] Comparing North and the King as joint captains, working for the same ends, he continued:

> The two parties now divide, each going to his own proper business. The King and his secret Cabinet, to arraying the greatest military force they can muster, and dispatching them to butcher us with the utmost expedition; Lord North, and the Parliament, to amuse the nation, and distract and divide the colonies by every hypocritical art in their power. Thus the two plans go hand in hand; the one to divide, the other to conquer.[68]

This was the correct view he asserted. In terms picturesque and expressive he urged:

> All ye timid, irresolute, terrified and doublefaced Whigs. who have, by one means or another, crept into authority, open your mouths wide, and bawl stoutly against every vigorous measure until the Commissioners arrive. They will bring pockets well lined with English guineas; patents for places, pensions, and titles in abundance will attend them. Your palms will be the first greased.[69]

In this way they could help raise an American revenue. In his opinion the motto of every instruction to the commission was "Divide and rule." Too many had lost sight of the King,

[67] Cassandra, "On Sending Commissioners . . . ," in the Hartford *Connecticut Courant*, March 18, 1776.

[68] *Ibid.* [69] *Ibid.*

the real enemy, and had begun to be fascinated by the idea of the commission, a snare he dreaded.

A "Planter in Virginia" wished to avoid all negotiations and decide the issue by arms alone. The only question in dispute was: Were the colonies subject to British or American legislation? If England desired peace, Parliament should pass an act declaratory of American privileges.[70] The patriot party sought to spread the impression that England was ready to acknowledge defeat. It hideously portrayed dark alternatives to independence and assiduously tried to prevent mention in the radical newspapers of any advantages of reconciliation. Though America helped England subdue Spain and France, it received little thanks for its efforts, declared a spirited farmer. England's control over the colonies was ended, because she could offer no terms conducive to "safety, honor, and peace." Could England be trusted not to renew her encroachments? Who would pay American debts? With all due respect to the best reconciliation possible from so corrupt and base an administration, if he thought America would revert to a dependence on England, he would lay down his sword and weep that he was American born. But the prospects were not so gloomy as to force such a shameful renunciation; "Glory, empire, liberty and peace" were "very near at hand."[71] Even the angels were telling America to separate, and he of course would not oppose such authentic advice.

As more accurate information spread concerning the commission, the journalists attacked the peace effort more directly. They could find no words of approval for the actual instructions to the commission and made it evident in the papers of 1776 that no thinking person in America con-

[70] *Virginia Gazette,* March 23, 1776. This procedure would have been inconsistent with previous colonial assertions, since such an action by Parliament would imply that it was the superior power, and America's acceptance of such a declaration would support the implication.

[71] Philadelphia *Pennsylvania Journal, or the Weekly Advertiser,* February 28, 1776. This is also found in the Boston *Gazette,* March 25, 1776.

sidered them adequate. The opposition in England certainly pointed out their inadequacy, and probably the ministry never seriously thought them a fair solution of the problem. The commissioners were given verbal instructions to find out what terms would satisfy America, but their real powers never exceeded those mentioned in Lord Howe's declaration upon his arrival.

When it was known that the commissioners might treat with towns, counties, and colonies, if they failed in their indirect negotiations with Congress, a new opposition arose. This was held an attempt to break up the American union, and, intended or not, the colonists were more correct in their opposition to this point than to many others. "Lead us not into temptation," declared the *Pennsylvania Evening Post;* "But mark well, ye towns, counties, ports, districts, places, and Colonies! Fire and Sword is the portion of the first of ye, which takes the bribe." [72]

Observing the commercial benefits England derived from the colonies, a Virginia planter knew no principles of equity that forced the colonists to risk their cause in a tedious and treacherous negotiation. "We have cried and roared long enough already, and what have we got by it?" [73] The time had come for something decisive; America should avoid the expense of delay and act with decision and purpose. Unless serious offers were made, the negotiations should be cut short immediately and implicit faith placed in Washington's army.

One Yankee, in language similar to that of Samuel Adams, wrote:

Too late, too late, reconciliation is a phantom. Why do ye dream of uniting the brave, the gallant colonists to that power which has burnt our towns, desolated our pleasant fields, turned out thousands to beg, put us to millions cost, made every man a sol-

[72] *Pennsylvania Evening Post* (Supplement), March 26, 1776.

[73] A Planter to the Inhabitants of Virginia, in the *Virginia Gazette,* April 13, 1776.

dier and murdered some of our valiant heroes whose fame shall never die. If you set foot on these shores on such an errand, you must, you will assuredly be rent in pieces by an incensed, an injured continent. He who thinks of reconciliation, or opens an ear to your tales, is a vile traitor, a coward, and lost to the feelings of man.[74]

Colonial victories over British soldiers increased America's confidence in its ability to match more nearly equally what was once regarded as an invincible power. A Connecticut patriot, under the caption of "Juvenis" declared: "the numerous unexpected successes with which our troops . . . in their various enterprises, have filled our breasts with a secret pride, and confirmed that opinion of our own strength which before was so wavering and doubtful." [75]

There were three fundamental reasons why America could never reunite herself to Great Britain, wrote Cassandra.[76] Parliament had no power to guarantee the future maintenance of its present engagements; a reconciliation gave Parliament and the ministry absolute control over the colonies; and the British King had so effectually undermined the constitution that even the people of Great Britain, not to speak of America, lacked security in their liberties. Assumption of the power of appointment unconstitutionally established the King's supremacy.[77] Another writer added a fourth reason: "Is not RECONCILIATION an untrodden path; for where can we find an instance of a people's returning to their allegiance to a tyrant, after he had violated every political and moral obligation to them?" [78] Paine touched upon the truth when he pointed out that independence was a simpler and

[74] Boston *Gazette*, April 15, 1776.

[75] An editorial in the *Connecticut Courant*, April 22, 1776.

[76] *Virginia Gazette*, February 10, 1776.

[77] Cassandra to Cato (the latter with Tory leanings), *Dunlap's Pennsylvania Packet, or General Advertiser*, April 29, 1776.

[78] *Maryland Journal, and the Baltimore Advertiser*, May 22, 1776. This fact is also cited in Hazelton, *Declaration of Independence*, 70.

easier line of policy than reconciliation, "a matter exceedingly perplexed and complicated, ..." [79]

To some the coming of commissioners, offers of accommodation, and the delays of negotiations did not appear to be the ruin of America. A few even ventured to express hope in such peace efforts and vainly tried to answer radical propaganda. Moderate Whigs in America declared in the language of Cato: "Let us hear their proposals with patience, and consider them with candour; remembering how deeply the happiness of millions may be concerned in the issue. If what they offer be such as freemen ought to accept, my voice shall be for an immediate reconciliation; . . . ." [80] He believed that nine-tenths of the people of Pennsylvania were opposed to independence. Once the present quarrel was settled, England would not again use force. If America declared independence before it appeared to the world to have been forced on her, no hope would remain for union or success and the world would righteously term her faithless.

At this time the majority opinion of the country was that nothing could possibly be lost by listening to the proposals of the commissioners. Before, and to a less extent after, the declaration of independence, the country favored considering the proposals, and, if found adequate and genuine, making a serious effort at conciliation. A minority, however, ruled.

Colonists whose hopes the peace effort aroused were disappointed upon discovering the terms to be offered. Their only hope lay in the possibility that Lord Howe might not have revealed all his powers. For this reason they continually urged Congress to confer with him. The Quakers, whose primary aim was peace, also aided the Loyalists. Of this group Samuel Adams wrote: "If they would not pull down kings, let them not support tyrants: for, whether they understand it

[79] Paine, Appendix to "'Common Sense,'" *Political Works of Thomas Paine*, 47.

[80] An article by Cato, in the *Virginia Gazette*, April 13, 1776.

or not, there is and ever has been, an essential difference in their characters." [81] Those who wavered between their allegiance to the King and their desire for independence felt that the colonies should await the terms offered before declaring in favor of final separation. If they were not satisfactory, independence was always available.

A race between the party of independence and that of reconciliation began. The former group pressed for the declaration of independence before the commissioners could arrive, while the latter did everything in its power to delay aggressive action in order to leave the door open as long as possible for a peaceful settlement. At the beginning of 1775, independence was still largely an idea. By the middle of the summer it yet remained in the background, ignored by thinking men, who considered it, if at all, no more than a timid suggestion and hastily brushed it aside. By the autumn it began to assume the definiteness of a question, which was answered with an emphatic negative until the insistent voice of independence, a few months later, forced the "noes" to take a less determined stand. By the spring of 1776 the question assumed the force of an assertion; voices of denial grew fainter, and, when the anticipated commissioners failed to appear, practically ceased. From the middle of May the movement for independence leaped into the foreground, never to yield its position.[82]

The story of this movement is too well told elsewhere to be repeated here. However, the effort at reconciliation affected vitally the final declaration of independence. The Howe Commission caused many to hesitate in their steps toward independence. But its belated arrival led them to heed the more radical advice to hasten the declaration before the commission arrived and caused endless delays. John Adams later wrote:

[81] An article signed "Candidus," in Cushing, *Writings of Samuel Adams*, III, 265–66.

[82] See the preface to Burnett, *Letters of Members of . . . Congress*, I, xxi.

It was the expectation of such a mission that had done much to protract the resistance which delayed the declaration; and even the interposition of that obstacle did not quite do away with a hope in some breasts that a reconciliation might yet be effected in spite of it. That hope was still alive in congress, animating a few of its members, and rendering them earnest to keep open avenues of negotiation.[83]

Joseph Galloway later declared the radicals had long aimed at independence, and, to thwart the peace effort, proclaimed it before Howe's arrival in America. By this, Congress betrayed the trust of the people, who had authorized it to seek a reconciliation. The only result of its two months labor was that "ill-shapen, diminutive brat, INDEPENDENCE." [84]

Samuel Adams believed independence the only way to end the dispute and make a negotiation possible:

By declaring independence we put ourselves on a footing for an equal negotiation. Now we are called a pack of villanous rebels, who, like the St. Vincent's Indians, can expect nothing more than a pardon for our lives, and the sovereign favor respecting freedom, and property to be at the King's will. Grant, Almighty God, that I may be numbered with the dead before that sable day dawns on North America.[85]

Another writer declared Englishmen would "sooner treat with you as independent states, than grant you all that is necessary to secure your privileges, while you acknowledge subjection." [86] The primary concern of America was liberty not reconciliation, John Adams told Congress in a speech, which appeared to amaze that body and to place the possibility and advantages of independence in a new and more pleasing light. He noted that attention and approbation marked every countenance.[87]

[83] Charles F. Adams, *Works of John Adams,* I, 237.

[84] Galloway, *A Candid Examination of the Mutual Claims of Great-Britain, and the Colonies,* 42. See also, his *Historical and Political Reflections,* 82, 107.

[85] Cushing, *Writings of Samuel Adams,* III, 264.

[86] *New England Chronicle,* March 14, 1776.

[87] This is taken from his autobiography. Charles F. Adams, *Works of John Adams,* II, 503–06.

To another, common sense urged the postponement of independence until Congress received the commissioners and considered their terms. If they tried deception and delay, the Americans should surpass them in using the same weapons. But why were the radicals so anxious for the important "now"? Why did they not wait and oppose the substance, instead of trying to frighten England with a phantom? The politicians' fear of delay falsely supposed that "there is no virtue in America but what gold can purchase," a base thought which he spurned.[88] When independence became necessary and a reunion impossible, he would advocate independence; but at present he would hear the proposals.

All such warning was futile; the radicals had secured complete control of Congress and had effectually undermined the possible success of the Howe Commission before it arrived in America. The Declaration of Independence probably made reconciliation a lost cause. A neutral position was no longer possible. Before the declaration two factions, one for independence and one for reconciliation, divided parties in Congress. With the decision to separate, party lines were more clearly drawn and greater unanimity within the patriot ranks was achieved. From that moment, the only party in America which could have achieved it regarded reconciliation as an insidious effort to divide the American union and secure by strategy what force could not effect. The retirement of the probability of reconciliation facilitated the arrangement of foreign alliances. So amused and pleased was France that Vergennes could now write with confidence:

The English Ministers must regard with a feeling stronger than that of anger the little progress of all their menacing efforts, and the little attention the insurgents pay to them. The Declaration of their Independence, in sight of Lord Howe, does not announce that the English Ministry, ashamed at its mistake, flatters itself

[88] *Pennsylvania Evening Post* (Supplement), March 26, 1776.

to be able to repair it by a reconciliation, of which the Americans would be the dictators.[89]

In England, the Declaration alienated many supporters. As long as British sympathizers thought America wished merely a redress of grievances and a reasonable union, they were glad to help; but after the avowal to separate from the mother country, they feared support of America was treasonable. Germain noted this quick change in British sympathy; the Declaration "staggered many of the former advocates for America. Among others I hear Lord Cambden says there is no supporting the Americans upon their present ground." [90] One Englishman thought it an expedient of the moment, not the result of long planning. It aimed to erase the terror caused among the people by the royal declaration that the colonies were in rebellion; sought to legalize the acts and proceedings of and justify individual allegiance to Congress; intended to relieve the scruples of France and to tempt her to assist America; and tried "to bring home in the most serious Light to Great Britain the Importance of America." [91]

[89] Vergennes to M. Garnier, August 24, 1776, Stevens, *Facsimiles*, no. 1351.

[90] Germain to Lord Howe, October 18, 1776, in the Sackville MSS., 1775–1777.

[91] This is from a plan of reconciliation by J. Fisher, February 2, 1778. *Ibid.*, 1778. He did not think colonial disobedience to acts of Parliament arose solely from individual ambition, democratic ideas, and seditious intrigues, but from the traditional freedom and security of colonial charters. *Ibid.*

CHAPTER VI

AMERICA SLAMS THE DOOR

WASHINGTON wrote Congress on March 24, seeking instructions for receiving the commissioners. He was advised to follow the usual practice, by letting them apply for the necessary passports and safe conduct. A great partisan contest in Congress delayed unduly that reply. John Adams wrote:

It will be observed how long this trifling business had been depending, but it cannot be known from the Journal how much debate it had occasioned. It was one of those delusive contrivances, by which the party in opposition to us endeavoured, by lulling the people with idle hopes of reconciliation into security, to turn their heads and thoughts from independence. They endeavoured to insert in the resolution ideas of reconciliation; we carried our point for inserting peace. They wanted powers to be given to the General to receive the commissioners in ceremony; we ordered nothing to be done till we were solicited for passports. Upon the whole, we avoided the snare, and brought the controversy to a close, with some dignity. But it will never be known how much labor it cost us to accomplish it.[1]

This debate showed that the Whig fear of disunion through peace efforts had a basis in reality. Washington saw the duplicity of the measure and opposed it with all his strength and skill. He felt that "no Commissioners ever were design'd, except Hessians and other Foreigners; and that the Idea was only to deceive, and throw us off our guard; . . . ." [2] To send a commission to America with un-

[1] *Journals of Congress,* IV, 328. This is also found in Charles F. Adams, *Works of John Adams,* III, 43.

[2] Washington to John Augustine Washington, May 31, 1776, in Fitzpatrick, *Writings of Washington,* V, 92.

acceptable terms was useless. He was more afraid of the British peace commissioners than of the British generals. Despite the many grave objections to so base an offer of peace, he regretted that "the representations of whole Provinces, are still feeding themselves upon the dainty food of reconciliation, ..." [3] The possibility of a reconciliation kept men from enlisting in the continental army. Such men reasoned that there was no use walking for miles if they were to find the quarrel ended when they arrived at army headquarters.[4]

Lord Howe's first official act after landing at Staten Island, July 12, was to send a circular letter to the governors with a copy of the declaration of his commission. The letter revealed the civil and military powers of the commissioners and announced the course of action the commission proposed to follow. As soon as he had consulted with General Howe, he planned to start granting pardons.[5] Lord Howe thought it expedient to issue the declaration in order to inform the public of the King's intentions and he requested the governors to publish it widely. Expressing the wish for a speedy restoration of peace, he asked them to send him the information necessary for it. His declaration called attention to the Prohibitory Act and to the powers of the peace commission, and stated that any colony could resume its former commerce by acceptance of his offers.

The commissioners could either jointly or separately grant pardons and receive submissions from all those,

> who, in the tumult and disorder of the times, may have deviated from their just allegiance, and who are willing, by a speedy return to their duty to reap the benefits of the royal favor; and, also, for declaring in his Majesty's name, any colony, . . . to be at the peace of his Majesty: I do therefore hereby declare, that due consideration shall be had to the meritorious services of all persons who shall aid and assist in restoring the public tranquility in the

[3] *Ibid.* [4] *Ibid.*

[5] See copies of pardon blanks printed for the commission found in the London Public Record Office, Colonial Office, V, 265.

said colonies, . . . that pardons shall be granted, dutiful representations received, and every suitable encouragement given, for promoting such measures as shall be conducive to the establishment of legal government and peace, ...[6]

No records have been found to show how many colonists accepted pardons, but several leading Tories probably sought pardons very early and left the country later to live under the British flag. Joseph Galloway, a strong advocate of reunion in the First Continental Congress, was among the first to apply for pardon. He went over to Lord Howe's side in December, 1776, and for his reputed ability and influence in Pennsylvania received an annual pension of two hundred pounds. Later when the British captured Philadelphia, he obtained a leading position there under British supervision and pay. But General Howe soon considered him a "nugatory informer," felt his influence not worth the price he paid, and concluded that he was a visionary and ill-fitted for a spy.[7]

Seeing Howe's declaration, Samuel Adams was happy in the thought that it was too late to be of any service in forming a loyal party in America.[8] Lord Howe attributed his delay in reaching America to an effort to win more liberal terms and even admitted disappointment at the failure of his attempt. Noting that his proclamation armed him with ability to force obedience, while empowering him to temper justice

[6] Both the circular letter and the Declaration are found in Peter Force (ed.), *American Archives: Fifth Series, Containing a Documentary History of the United States of America, from the Declaration of Independence, July 4, 1776,* 3 vols. (Washington, 1848–1853), I, 605–06. See also, items dated June 20, July 14, and September 19, 1776, in Sackville MSS., 1775–1777.

[7] However, Howe retained him as magistrate of police and superintendent of the port in Philadelphia, in which positions he showed ability. Sir William Howe, *Narrative,* 41–42. Ambrose Serle bluntly advised Galloway in 1778 to make his peace with the Americans, for he was to America then only a ruined enemy and to England an inefficient friend. Edward H. Tatum, Jr., "Ambrose Serle, Secretary to Lord Howe, 1776–1778," in *Huntington Library Quarterly,* II, No. 3 (1939), 281.

[8] Cushing, *Writings of Samuel Adams,* III, 302.

with mercy, John Adams declared: "With such pretensions, no member of congress, however much disposed to enter negotiation with him, could venture to whisper a word in his behalf." [9]

In addition to these official documents, Lord Howe brought several letters to prominent men in the colonies from friends in London. The London gentlemen urged their colonial friends to accept the peace offer and do all they could to persuade others to do so. One of these gentlemen wrote that Lord Howe

had rather meet you, and that immediately on his arrival, in the wide field of argument, than in the chosen ground for battle; and I am confident a parley on the footing of gentlemen and friends is his wish and desire; and it is generally believed, with his disposition to treat, he has power to compromise and adjust.[10]

Washington wrote the President of Congress on July 14 that Lord Howe had sent one of his staff officers with a letter addressed "to George Washington, Esquire." He had refused to receive the letter, because the address did not pay the respect due his position.[11] The next day he sent to Congress a packet of letters and papers which contained the declaration and the circular letter. General Howe, on July 20, sent his Adjutant General, Colonel Patterson, to interview Washington and to apologize for any mistakes made in the previous attempt. Washington had discussed thoroughly the proper method of receiving the commissioners and their agents; and, when he had rejected the first communication, he decided to dress in his best for the second. Evidently, Colonel Pat-

[9] Charles F. Adams, *Works of John Adams,* I, 239.

[10] Dennis de Berdt to Joseph Reed, May 3, in Force, *American Archives,* I, 373.

[11] A fact often ignored is that Admiral Howe habitually called Washington "General" when speaking with American officers. Mahan, "Admiral Earl Howe," in *Atlantic Monthly,* LXXIII (1894), 26. Ambrose Serle considered this incident a "Sample of their Vanity, as well as of their Indisposition to treat." Serle to Dartmouth, July 25, 1776, in Stevens, *Facsimiles,* no. 2040.

terson appeared quite awed by his commanding appearance.[12] He addressed Washington as his Excellency, showed him a letter from Lord Howe, addressed to "George Washington, etc., etc.," and commented that this form of address implied everything. Washington quietly replied that it might also mean anything and again stated that he could not receive any letter directed to him in his private capacity which related to his public station. He remarked to Patterson that he believed Lord and General Howe merely had power to grant pardons, whereas

> those who had committed no fault wanted no pardon, that we were only defending what we deemed our indisputable right. Colonel Patterson said that would open a very wide field for argument. He then expressed his apprehensions that an adherence to forms was likely to obstruct business of the greatest moment and concern.[13]

These negotiations showed the inadequacy of the instructions to the commissioners. The Howes neither recognized Congress nor acknowledged Washington's proper title. On July 17, Congress received the packet Washington had sent two days earlier, and on the same day passed a resolution:

> That General Washington, in refusing to receive a letter said to be sent from Lord Howe, and addressed to 'George Washington Esq' acted with a dignity becoming his station; and, therefore, this Congress do highly approve the same, and do direct, that no letter or message be received, on any occasion whatsoever from the enemy, by the commander in chief, or other, the commanders of the American army, but such as shall be directed, to them in the characters they respectively sustain.[14]

The next day Congress ordered the letters from Lord Howe to Governors Franklin, Penn, Eden, Dunmore, Martin, and Wright, together with those to private persons, which had

[12] An entertaining discussion of the Patterson incident is found in Henry P. Johnston, *The Campaign of 1776 Around New York and Brooklyn,* in Long Island Historical Society, *Memoirs* (Brooklyn, ?), III (1878), 96–99.

[13] Fitzpatrick, *Writings of Washington,* V, 323n. [14] *Ibid.,* 274 n.34.

been intercepted by the continental soldiers and sent to Congress, to be referred to a committee of three. On July 19 this committee, composed of Jefferson, Charles Carroll, and Robert Treat Paine, brought in a report, on the basis of which Congress adopted a resolution to publish the circular letter and the declaration that:

> the good people of these United States may be informed of what nature are the commissioners, and what the terms, with the expectation of which, the insidious court of Britain has endeavoured to amuse and disarm them, and that the few, who still remain suspended by a hope founded either in the justice or moderation of their late king, may now, at length, be convinced, that the valour alone of their country is to save its liberties.[15]

Washington thought this action would silence the warmest advocates of reconciliation and convince them beyond a doubt that the commissioners had no honorable terms to offer and that those held out were designed expressly to deceive the people of both England and America. This he thought explained why North refused the request of the Mayor's Corporation of London for the specification of the powers in the commission. The union of the civil and military powers in the Howes he believed to be conclusive evidence to every thinking person that there was little to be expected from a civil negotiation. In agreement with this Walpole had earlier written:

> We have both martial and pacific symptoms. Commissaries are going with olive-branches, and acts of Parliament and regiments with daggers and swords. We seem to enrage America, as if it were a passionate man who is very sorry the moment his passion is over.[16]

However, some members of Congress after the Declaration of Independence leaned toward reconciliation. On July

[15] *Journals of Congress*, V, 592–93.

[16] Horace Walpole to Horace Mann, December 8, 1775, in Toynbee, *Letters of Horace Walpole*, IX, 291.

16, John Alsop asked the New York convention for permission to withdraw from Congress because New York had agreed to the Declaration of Independence, which he opposed. As long as the door remained open for reconciliation on honorable and just terms, he was willing to serve his country; but when it closed, he chose to resign.[17] Robert Morris also lamented the presence of those who could not endure mention of reconciliation. To the extreme radicals all peace proposals sounded like high treason against the colonies. If the commissioners had terms more acceptable than those revealed in the declaration, the colonists ought to consider them; if not, the British wasted time in soliciting intercourse. He thought the colonies would accept reasonable terms; a mere offer of pardons would unite the country for independence. Hence, why should Congress fear to treat with them? Opposition to a conference would alienate those who were already dissatisfied. Morris was in favor of being polite.[18]

Evidently the presence of the commissioners and their offers had some effect. Feeling it necessary to quell the rumor that Lord Howe had made serious propositions, Washington ordered an open denial published.[19] "Nothing is held forth to them now by the King," declared William Bingham,[20] British consul at St. Pierre, Martinique, "but an abject Submission at the Point of the Bayonet & to become devoted Victims to his Royal Clemency; for the tender Mercies of the wicked are always cruel." [21] Even a change of ministers would not benefit America, for the wheels of

[17] Burnett, *Letters of Members of . . . Congress*, II, 12–13.

[18] Robert Morris to Joseph Reed, July 20, 1776, in Force, *American Archives*, I, 468.

[19] General orders, August 20, 1776, in Fitzpatrick, *Writings of Washington*, V, 469.

[20] Later in 1776 he was made Continental agent to the West Indies, Allen Johnson (ed.), *Dictionary of American Biography*, 20 vols. and index (New York, 1928–1937), II, 278.

[21] William Bingham to Silas Deane, August 4, 1776, in *The Deane Papers*, in the Connecticut Historical Society, *Collections*, XXIII, 29.

government were too well greased with the money gained by corruption to win for America a serious proposal. A patched up arrangement was worse than no solution; America should keep up the struggle for independence.

Action and opinion in America indicated in July that men had decided to go on and achieve a separation, but not in the noisy and disorderly fashion more recently associated with the spirit of 1776. Feeling a king no longer necessary, a group of rebels demolished the equestrian statue of George III in New York. To inflame public valor, they first cut off the head, but the spirit of '76 was so unlike that of later years that the act met with extreme coldness. In fact, had the King been present in the crowd he would not have been in danger of personal injury. Paine encountered no displeasure for calling him a royal brute, "but we had not yet acquired the true taste for cutting throats." [22] There was genuine anger, however, at Lord Howe's attempt to effect peace through grants of pardon. "If his professions are honest—if he means not to cajole and deceive you, why are you not explicitly informed of the terms, and whether parliament means to tax you hereafter at their will and pleasure?" [23] America would not for a moment brook silence on the question of taxation. Unable to believe the Howes had already revealed their full powers, the conservatives anxiously urged them to do so.

When neither Congress nor the colonies took any steps to meet the conciliatory proposals, the British commissioners resumed military operations and fought the battle of Long Island. On speaking with General John Sullivan, captured in this battle, Lord Howe learned that America thought he had

[22] Alexander Graydon, *Memoirs of His Own Time with Reminiscences of the Men and Events of the Revolution* (Philadelphia, 1846), 161. See also, the letter of Ambrose Serle to Dartmouth, July 25, 1776, in Stevens, *Facsimiles*, no. 2040.

[23] Henry P. Johnston (ed.), "Address of the Convention of the Representatives of the State of New York to Their Constituents," *Correspondence and Public Papers of John Jay*, 4 vols. (New York, 1890–1893), I, 106.

power only to grant pardons and declare peace, not to settle grievances. To Sullivan he denied this and stated a willingness to consult and confer with any influential person concerning redress of grievances. Lord Howe wrote: "Mr. Sullivan hereupon proposed, and with General Howe's approbation, I consented, that he should go to Philadelphia, and undeceive those who appeared to entertain that confined opinion of the King's most gracious intentions." [24] Sullivan, on parole, told Congress Lord Howe could not at present negotiate with it as a body, but desired half-hour conferences with some of the members in their private capacity. The commissioners had power to make a peace satisfactory to the colonies and wished to settle the quarrel before a decisive blow was struck. In case Congress were disposed to treat, England might grant many things which America had not requested, and if the commissioners and the colonists could form a plan agreeable to both countries, Parliament would recognize Congress.

Howe's request again stirred factional jealousy. The conservatives regained hope, but the radicals regarded it as an insult and favored passing a resolution that Congress hear no further proposals from the commissioners. Of the feeling aroused in John Adams by Sullivan's mission, Benjamin Rush recorded:

I sat next to him while Gen'l Sullivan was delivering a request to Congress from Lord Howe for an interview with a committee of the house in their private capacities, after the defeat of the American Army on Long Island on the 26 of August 1776. Mr. Adams under a sudden impression and dread of the consequences of the measure, whispered to me a wish 'that the first ball that had been fired on the day of the defeat of our Army had gone through his head.' When he rose to speak against the proposed interview, he called Gen'l Sullivan a 'decoy duck whom Lord

[24] Lord Howe to Germain, September 20, 1776, in London Public Record Office, Colonial Office, V, 177. This letter is also found in Stevens, *Facsimiles*, no. 1201.

Howe has sent among us to seduce us into a renunciation of our independence.' [25]

Though it was a private request and should have been kept secret from the public, Lord Howe made every possible effort to let the public know he was trying to confer with Congress. News of Sullivan's arrival with the message spread rapidly over Philadelphia "with thirty falsehoods in addition." [26]

John Witherspoon, President of Princeton and member of Congress from New Jersey, vigorously opposed the conference. He would not grant that Sullivan's mission was the first step toward reconciliation. Lord Howe had avoided everything that could imply that Americans were anything but slaves and rebellious subjects. The terms were those of unconditional submission. If he had any respect for Congress, why did he not keep the message secret? If he desired to communicate with the members of Congress privately, he could do it in a thousand ways without revealing his intention to the public. Would Howe treat on terms of American independence? Had not Congress settled that question when it declared independence? Yet, was not the surrender of independence impliedly a preliminary to such a conference? Had not Howe recognized that the Declaration of Independence precluded a reconciliation by saying that he regretted having arrived ten days too late? To enter into so much correspondence with him would be to give up that much independence. If the conference took place, it would give force to the seditious machines of the Tories and Loyalists. If independence were in question, would men continue to enlist in the army? [27]

The more radical Whigs were against the proposed conference. It would degrade Congress in the eyes of the people, since Lord Howe had no acceptable terms; it would weaken

[25] Burnett, *Letters of Members of . . . Congress*, II, 69–70n.
[26] Josiah Bartlett to William Whipple, September 3, 1776, *ibid.*, 66.
[27] Speech of September 5, 1776, *ibid.*, 70 *et seqq.*

the efforts of the army and divide the people, because the Loyalists would misrepresent the proposals and picture Congress as obstinate and desirous of war; and it would undermine the efforts of the American agents abroad, who were trying to procure loans and foreign alliances.[28] The conservative Whigs favored the conference because they did not believe it would injure the colonies in any way. If the terms offered were not honorable, Congress could merely refuse to accept them. Consent to the conference would silence the cry of the Loyalists that Congress was obstinate and desired to prolong the war, and dishonorable terms would be a deadly blow to all Loyalist designs.[29]

After a long debate, Congress agreed to the conference, but the conferees were to attend in their public capacity, as members of Congress and as representatives of an independent United States. Their task was to meet Lord Howe, discover whether he had any powers to treat with Congress on honorable terms, and hear any propositions he had to make. Franklin and John Adams were unanimously chosen, but Richard Henry Lee and Edward Rutledge had an equal number of votes. Lee requested the withdrawal of his name, and on the second vote Rutledge was chosen.[30] John Adams's insistence that Howe's offer pass unnoticed had met a wall of opposition. He yielded only after New Hampshire, Connecticut, and Virginia ceased to oppose the conference.[31]

[28] Silas Deane, commissioner in Paris, wrote to this effect on November 28, 1776: "Yesterday it was roundly affirmed at Versailles that a letter was received in London from Philadelphia, in which it was said I had written advising the Congress to negotiate for that I could obtain no assistance from Europe. You can hardly conceive how dangerous even such reports are, and how prejudicial every step that looks like confirming them." Francis Wharton (ed.), *The Revolutionary Diplomatic Correspondence of the United States*, 6 vols. (Washington, 1889), II, 198. The fact is also cited in Burnett, *Letters of Members of . . . Congress*, II, 265.

[29] Burnett, *Letters to Members of . . . Congress*, II, 65 *et seqq.*

[30] Bartlett to Whipple, September 10, 1776, *ibid.*, 82–83.

[31] John Adams to Mrs. Adams, September 6, 1776, in Charles F. Adams, *Works of John Adams*, I, 237.

Feeling his opposition should prevent his acceptance, he expressed the desire to be excused, but "All the stanch and intrepid are very earnest with me to go, and the timid and wavering, if any such there are, agree in the request. So I believe I shall undertake the journey." [32] But he was going to hear Lord Howe's proposals, not to beg a pardon.[33]

There was some doubt, nevertheless, since Congress refused to allow its members to treat in their private capacity, that Lord Howe would receive them. In the opinion of the radicals a refusal would discredit those in favor of the conference, cause a much desired delay in military operations, place the odium for continuing the war on Lord Howe, silence the Tories, and restore the wavering Whigs to full allegiance to the American cause.[34] Furthermore, his refusal to concur would give the American conferees merely incidental concern, for they had the additional duty of investigating the army at New York.[35]

Disgusted at the inadequate offers of Lord Howe and fully aware of England's desperate effort to regain the vast profits of American trade, Franklin sharply upbraided Lord Howe for serving under such instructions:

> The official dispatches to which you refer me, contain nothing more than what we had seen in the Act of Parliament, viz. Offers of Pardon on Submission, which I was sorry to find, as it must give your Lordship pain to be sent upon so fruitless a business.
>
> Directing pardons to be offered to the colonies, who are the very parties injured, expresses indeed that opinion of our ignorance, baseness and insensibility, which your uninform'd and proud nation has long been pleased to entertain of us: but it can have no other effect than that of increasing our resentments.[36]

[32] *Ibid.*

[33] Adams to Warren, September 8, 1776, in Burnett, *Letters of Members of . . . Congress,* II, 80.

[34] *Ibid.*

[35] John Adams to Mrs. Adams, September 6, 1776, *ibid.,* 75.

[36] Franklin to Lord Howe, July 30, 1776, in Smyth, *Writings of Franklin,* VI, 458–59.

It was impossible to think of submission to a government so barbarous that it wantonly burned towns and incited rebellion among its subjects. Such injuries had extinguished the last spark of affection the colonies had for Great Britain. Nor would British pride allow the government to ameliorate conditions in America by rebuilding the towns burned and repairing the mischiefs inflicted. In Franklin's opinion:

> Her fondness for conquest, as a warlike nation, her lust of dominion, as an ambitious one, and her wish for a gainful monopoly, as a commercial one, (none of them legitimate causes of war,) will all join to hide from her eyes every view of her true interests, and continually goad her on in those ruinous distant expeditions, so destructive . . . , that must prove as pernicious to her in the end, as the Crusades formerly were to most of the nations in Europe.[37]

And he further reminded Lord Howe that:

> Your Lordship may possibly remember the tears of joy that wet my cheek, when, at your good Sister's in London, you once gave me expectations that a reconciliation might soon take place. I had the misfortune to find those expectations disappointed, and to be treated as the cause of the mischief I was laboring to prevent.[38]

His only consolation was his retention of a wide friendship in England, including that of Lord Howe.

Regretting that circumstances had put such a wide breach in their relationship, Howe admitted that the powers vested in him were never calculated to recognize a reunion with the colonies on any basis short of subjection to Great Britain. He felt those powers competent not only to confer upon, but also to effect a lasting union, if the present temper of the colonies was consistent with their last petition to the King. It was clear from Franklin's letter that his aid was no longer available. A touching struggle between political and personal feelings came to light in the closing words of Howe's reply.

[37] *Ibid.*, 460.

[38] *Ibid.*, 461.

I will only add, that, as the dishonour, to which you deem me exposed by my military situation in this country, has effected no change in your sentiments of personal regard towards me, so shall no differences in political points alter my desire of proving how much I am your sincere and obedient humble servant.[39]

Congress caused Franklin to cease this correspondence until he wrote Howe to arrange for the Staten Island conference.[40] Lord Howe replied at once that he would receive the American deputies at Staten Island on Wednesday, September 11, but asked them to delay their trip to the Island until he informed them that he was there to meet them.[41]

When the committee reached Amboy, on the New Jersey shore opposite Staten Island, a ship was waiting with an officer on board as a hostage for their security. Feeling it childish to depend on such a pledge, they took the officer back with them. Lord Howe met them on the beach, where he expressed with feeling his appreciation of their confidence in placing themselves in his hands. Under the salute of a Hessian guard, they walked from the beach to a building similar in appearance to a dilapidated stable. By spreading a carpet of moss and green sprigs, Lord Howe had prepared a large room which John Adams thought quite elegant. A cold dinner of "good claret, good bread, cold ham, tongues, and mutton" [42] was on the table. One of the Hessian colonels was present during the dinner, but retired immediately after dining.[43]

Beginning the discussion, Lord Howe declared the dispute was not irreconcilable. The people of Massachusetts, who had erected a monument in Westminster Abbey to his

[39] Lord Howe to Franklin, August 16, 1776, *ibid.*, 462.

[40] Franklin to Howe, September 8, 1776, in Force, *American Archives,* II, 234.

[41] *Ibid.*, 274.

[42] Charles F. Adams, *Works of John Adams,* III, 77.

[43] An account of the conference is found in Paul L. Ford, "Lord Howe's Commission to Pacify the Colonies," in *Atlantic Monthly,* LXXVII (1896), 759.

brother killed at Ticonderoga, knew his friendship for America.

He esteemed that honor to his family *above all things in this world.* That such was his gratitude and affection to this country, on that account, that he felt for America as for a brother, and, if America should fall, he should feel and lament it like the loss of a brother.[44]

Upon which, in the entertaining language of John Adams:

Dr. Franklin, with an easy air, and a collected countenance, a bow, a smile, and all that *naivete,* which sometimes appeared in his conversation, and is often observed in his writings, replied, 'My Lord, we will do our utmost endeavors to save your lordship that mortification' His lordship appeared to feel this with more sensibility than I could expect; but he only returned, 'I suppose you will endeavor to give us employment in Europe.' To this observation, not a word, nor a look, from which he could draw any inference escaped any of the committee.[45]

Because he had desired to negotiate directly with Congress, Lord Howe had wanted to come alone in a civil capacity. He recognized that his double commission had a two-faced appearance and he had opposed unsuccessfully the inclusion of his brother in the peace commission as well as his own naval appointment. Though the Address to the Inhabitants of Great Britain had destroyed the good effects of the second petition to the King, he still believed the petition might be the basis for a reconciliation.[46] Rutledge declared the language of the petition, for reasons of propriety, differed from that of the Address to the Inhabitants, which had been "only calculated to shew them [the people of Great Britain] the Importance of America to Great Britain." [47]

Observing the American leaders had changed ground in

[44] Charles F. Adams, *Works of John Adams,* III, 79. [45] *Ibid.*

[46] Ford, "Lord Howe's Commission . . . ," in *Atlantic Monthly,* LXXVII (1896), 760.

[47] *Ibid.*

the Declaration of Independence, Lord Howe said a treaty on that basis was impossible. He did not and never would have power to acknowledge the independence of the colonies. In obedience to the King he could recognize neither the Congress nor its committee, with which he was then conversing. He revealed the delicate situation facing him when he said:

> that if they would not lay aside that Distinction, it would be improper for him to proceed—that he thought it an unessential Form, which might for the present lie dormant—that they must give him leave to consider them merely as Gentlemen of great Ability, and Influence in the Country—and that they were now met to converse together upon the Subject of Differences, and to try if any Outline, could be drawn to put a stop to the Calamities of War, and to bring forward some Plan that might be satisfactory both to America and to England— He desired them to consider the Delicacy of his Situation—the Reproach he was liable to, if he should be understood by any step of his, to acknowledge, or to treat with, the Congress—that he hoped they would not by any Implication commit him upon that Point—that he was rather going beyond his Powers in the present Meeting—[48]

Reassured by Franklin, Lord Howe added that since Congress would cease to exist on the restoration of the legal government, he thought they could easily dismiss the idea of such a body.

John Adams quickly answered: "Your lordship may consider me in what light you please, and, indeed, I should be willing to consider myself, for a few moments, in any character which would be agreeable to your lordship, except that of a British Subject." [49] With concealed amusement, Howe turned to Franklin and said that Adams was a "decided" character, in a manner which Adams afterward felt meant more than either he or his colleagues had understood at the time. Lord Howe had the power to pardon all proper per-

[48] *Ibid.* [49] Charles F. Adams, *Works of John Adams,* III, 80.

sons, but a number, including John Adams, were expressly excepted from reprieve.[50]

At length, the committee agreed to converse as private individuals; whereupon, Lord Howe declared the withdrawal of the Declaration of Independence would expedite a reconciliation and enable him more fully to execute the King's purpose.[51] Charged with insincerity for telling General Sullivan that the British government would yield the right of taxation and interference with the internal police of the colonies, he replied that Sullivan must have misunderstood him, because Parliament would not make such offers, nor would it allow him to do so.[52] England obviously was not prepared to abandon all hope of colonial contribution, and the colonies had to guarantee the means of securing this before they could obtain any reconciliation. To Lord Howe's assertion that the commerce, strength, and men of the colonies were of more advantage to Great Britain than contribution, Franklin replied that America had a pretty "considerable Manufactury of Men," and had never refused aid upon requisition.[53]

To Howe's last plea that the conferees push aside the Declaration of Independence to allow a full discussion of the dispute Franklin responded:

His Lordship had seen the Resolution of the Congress which had sent them hither—that if this Conversation was productive of no immediate good Effect, it might be of Service at a future time—

[50] When he later went as minister to London, the British papers criticized their government for the humiliating "necessity of receiving as an ambassador, a man who stood recorded, by the Privy Council, as a rebel expressly excepted from pardon." His name, however, had already been included in a bill of attainder just introduced into Parliament. *Ibid.*

[51] Ford, "Lord Howe's Commission . . . ," in *Atlantic Monthly,* LXXVII (1896), 761.

[52] Josiah Bartlett to Colonel Whipple, September 14, 1776, in Force, *American Archives,* II, 323. This is also found in a letter of William Williams to Joseph Trumbull, September 13, 1776, in Burnett, *Letters of Members of . . . Congress,* II, 86.

[53] Ford, "Lord Howe's Commission . . . ," in *Atlantic Monthly,* LXXVII (1896), 761.

that America had considered the Prohibitory Act as the Answer to her Petition to the King—Forces had been sent out, and Towns destroyed—that they could not expect Happiness now under the Domination of Great Britain—that all former Attachment was *obliterated*—that America could not return again to the Domination of Great Britain, and therefore imagined that Great Britain meant to rest it upon Force—[54]

Rutledge believed that England would profit more by the freedom than the subjection of America. He declared that an alliance of Great Britain with the United States would insure the former "a *great Share*" of American commerce, "that she would have their raw Materials for her Manufacturers—that they could protect the West India Islands much more effectually and more easily than she can—that they could assist her in the Newfoundland Trade—. . . . " [55] A consideration of these benefits should convince England that it would be wise to seek a free alliance with the United States before other foreign powers, profiting by her hesitation, won the prize. Though Congress would return to Great Britain on the colonial basis, South Carolina, happily established under its own government, certainly would not.

Such a situation naturally prevented any serious negotiation. When Franklin suggested that Howe could more quickly obtain new instructions to grant independence than they could to renounce it, Howe pointed out the futility of expecting such instructions. Upon discovering that Lord Howe had nothing to offer, Franklin asked if he would receive propositions made by America and transmit them to his government. He shunned a direct answer and declared he could not avoid receiving them, although he doubted the propriety of transmitting them.[56] The conference ended with the realization that a reunion under the terms offered by Lord Howe was impossible. Its failure symbolized the final farewell of the American colonies to Great Britain.

[54] *Ibid.* [55] *Ibid.*, 762. [56] *Ibid.*

When the parties took leave of each other, it was not without some tender emotions. Dr. Franklin had been in long habits of friendship and intimacy with lord Howe. They had in England frequently conversed, and afterwards corresponded, on the parliamentary dispute with America. Their regard for each other was mutual, and as there was now every reason to suppose, this would be the last personal interview between them, the idea was painful, that this political storm might sweep away all remains of private friendship.[57]

This was the last official meeting between England and her American colonies. The next meeting was for the purpose of settling a peace on terms of independence. After this brief conference of three hours, the Americans immediately returned to Philadelphia. Congress ordered their report published with no Congressional observations.

The colonists regarded Lord Howe's attempt to confer as a sign of weakness, because a commander vested with plenary powers would never treat if he could conquer. His diplomatic ability, John Adams felt, was "not so irresistable as it has been represented. I could name you many *Americans,* in your own neighborhood, whose art, address, and abilities are greatly superiour. His head is rather confused I think." [58] Concerning the peace efforts he declared, "The whole affair of the commission appears to me, as it ever did, to be a bubble, an ambuscade . . . and it is so gross, that they must have a wretched opinion of our generalship to suppose that we can fall into it." [59] Everything the British commission did in America he distrusted as evidence of duplicity. In his opinion, and in the words of his grandson, the conference formed

a part of a series of inadequate concessions, always coming a day too late, which will render the policy of Lord North ever a mem-

[57] Mrs. Mercy Warren, *History of the Rise, Progress and Termination of the American Revolution,* 3 vols. (Boston, 1805), I, 323.

[58] John Adams to Mrs. Adams, September 14, 1776, in Charles F. Adams, *Works of John Adams,* II, 324.

[59] John Adams to Samuel Adams, September 17, 1776, in Burnett, *Letters of Members of . . . Congress,* II, 92.

orable lesson to statesmen. It might in stronger hands have proved a formidable engine, not so much of conciliation as of division among Americans. As it was, it was shivered to atoms upon a scruple of form! [60]

However, according to Ambrose Serle, Rutledge said John Adams's account of the conference was unfair. Seeking support for his contention, he appealed to Franklin who discreetly "excused himself from a Decision by saying, that his Memory was too much impaired by Age to recollect what passed with sufficient Precision to determine the Dispute.[61]

Samuel Adams refused to worry over the motives for calling the conference and contented himself with its satisfactory outcome. He wrote that the committee maintained "the Dignity of Congress, and in my Opinion, the Independence of America stands now on a better footing than it did before." [62] Not only did the Adamses and the Lees rejoice over the achievement of the conference, but the radicals united in the opinion recorded by Benjamin Rush that:

> The issue of this negotiation demonstrated that the time in which the States declared themselves to be independent was the proper one. It prevented their dissolution after the defeat and the retreat of the American armies in the subsequent summer and autumn. It moreover produced a secession of Tories, and timid Whigs from the Councils of the United States, ...[63]

The interview silenced the Tories and erased the impression of the credulous minded that Howe had power to settle the

[60] Charles F. Adams, *Works of John Adams,* I, 239.

[61] Ambrose Serle to Dartmouth, November 7, 1776, in Stevens, *Facsimiles,* no. 2044. Serle believed Franklin's departure for France a tactful retreat to avoid being involved in this quarrel. However, the author doubts the truth of Serle's statement. No one else made such an assertion. Rutledge in a letter to Washington, September 11, 1776, agreed with the account of the conference as described by John Adams. Burnett, *Letters of Members of . . . Congress,* II, 83.

[62] Samuel Adams to John Adams, September 30, 1776, in Cushing, *Writings of Samuel Adams,* III, 314.

[63] Benjamin Rush, *Memorial,* 103. This is cited in Burnett, *Letters of Members of . . . Congress,* II, 70n.

quarrel on peaceable and just terms.[64] The radicals quickly dismissed Lord Howe's assurances and advised Americans to turn from hopes of reconciliation to reliance on God, themselves, and foreign alliances for a solution of their difficulties.[65]

Lord Howe probably requested the interview to test the conciliatory attitude of Congress and discover how firmly America was determined on a final separation. Could the radicals be shaken from their position? Did Congress have any plan in mind that would make possible a reconciliation? When the committee declared that England would derive more from an alliance than a reunion with the colonies, Howe refused compliance and later wrote that, "Their arguments not meriting a serious attention, the conversation ended, and the gentlemen returned to Amboy." [66] If Lord Howe hoped for a favorable reply, he must have been greatly disillusioned with the results of the conference. The charge was often made that he requested it to check American foreign agents. It might have had that effect, but it is doubtful that he so intended it.

The conference ended Lord Howe's communications with Congress. On September 19 he and his brother issued another public declaration in a futile attempt to appeal to the people over the head of Congress. It declared:

> Although Congress, whom the misguided Americans suffer to direct their opposition to a re-establishment of the Constitutional Government of these Provinces, have disavowed every purpose of reconciliation not consonant with their extravagant and inadmissable claim of independence, the King's Commissioners think fit to declare that they are equally desirous to confer with his Majesty's well-affected subjects, upon the means of restoring the public tranquility, and establishing a permanent union. . . . The

[64] W. Williams to J. Trumbull, September 13, 1776, in Burnett, *Letters of Members of . . . Congress,* II, 85 *et seqq.*

[65] *Continental Journal and Weekly Advertiser,* October 10, 1776. See also, the letter from Rutledge to Washington, September 11, 1776, in Force, *American Archives,* II, 288.

[66] Lord Howe to Germain, September 20, 1776, in Stevens, *Facsimiles,* no. 1201.

King being most graciously pleased to direct a revision of such of his royal instructions to his Governors as may be construed to lay an improper restraint on the freedom of legislation in any of his colonies, and to concur in the revisal of all acts by which his Majesty's subjects there may think themselves aggrieved, it is recommended to the inhabitants at large to reflect seriously upon their present condition and expectations, and judge for themselves whether it be more inconsistent with their honour and happiness to offer up their lives as a sacrifice to the unjust cause in which they are engaged, or return to their allegiance, accept the blessings of peace, and be secured in a free enjoyment of their liberties and properties, upon the true principles of the Constitution.[67]

This declaration brought extra worries to Washington, who was struggling to maintain an army. It tried to seduce the people from their allegiance to Congress, and, scattered over the country by the Loyalists and British soldiers, aroused sharp opposition to the efforts of the British commission.

William Henry Drayton, a South Carolina judge famous for his espousal of the cause of American rights, wrote a stinging reply. He prefaced his answer with an apt explanation of the declaration:

By Richard Viscount Howe, . . . and William Howe, esq, . . . the King's Commissioners for deluding the good people of AMERICA by insidious offers of peace, or shedding their blood without mercy.

DECLARATION.

Although the Congress, whom the much-injured AMERICANS suffer to direct their opposition to the establishment of tyranny, and an unconstitutional Government over these Provinces, have disavowed every purpose of reconciliation not consonant with that liberty to which they have the most clear and undeniable right, the King's Commissioners aforesaid think fit to declare, that they are equally desirous to confer with his Majesty's subjects (if any

[67] Force, *American Archives*, II, 398.

so weak and abandoned are to be found) upon the means of establishing a permanent tyranny over every Colony, and fix them the everlasting slaves of the British Empire . . . it is recommended to the inhabitants . . . to reflect seriously . . . whether it be more consistent with their honor and happiness to risk their lives in defense of a glorious Independency, or return to the galling yoke of tyrannic usurpation, and be deprived of every security in the enjoyment of their liberty and properties upon the true principles of a wicked and destructive policy.[68]

Drayton attacked the Howe Commission, the offers it held out, and the course it had taken in America. The declaration was an invitation to men of common sense to yield independence for slavery. Could the Howes say who or what authority would revise the acts offensive to America? On what authority could they promise definitely such a revision? If they had intended to repeal the acts, why had they characterized them as acts of which the Americans "think themselves aggrieved"? He immediately perceived the same objection that Lord Howe had raised in London when he asked why the ministry had not come to the point at once. Why silence? Had not their silence on this point made it evident that they had been ushered into the dilemma by their superiors? "You have not been accustomed to dirty jobs, and plain dealing does not accord with your instructions; otherwise, in the latter case, I think you are men of too much sense and honor to have overlooked or suppressed so material a point of information." [69] In asking people to reflect seriously on their condition, could the commissioners be unaware that Americans had been engaged in that occupation since the passage of the Sugar Act of 1764? Where had the gentlemen been all the time? After such a series of measures as the Declaratory Act, the Tea Act, the Boston Port Act, the Massachusetts Government Act, and the act of last December, declaring the inhabitants rebels, he roared:

[68] *Ibid.*

[69] A paper, entitled "A Carolinian," written by Drayton on October 22, 1776, *ibid.*, 1182.

I say, after such a series of causes for reflection, and that your Excellencies now find us in arms against you, determined on independence or death, can you possibly entertain an idea that we have not reflected seriously? On the contrary you know that we are prepared to offer up our lives in evidence of our serious reflections: In addressing a world, you ought to have some attention to the propriety of your recommendations, if only from a regard to your own reputation.[70]

On November 30, the Howe brothers issued a final proclamation inviting the people to surrender themselves to any of the King's officers and testify to their obedience to the laws of England by subscribing to an oath in the following words: "I, A.B. do promise and declare, that I will remain peaceable and obedient to his Majesty and his government, and will not take up arms against either, nor encourage others to take arms, in opposition to his authority." [71] The radicals naturally minimized the number that accepted the offer; Graydon was unable to recollect a single example.[72] Robert Morris wrote, however, that it

had a wonderful Effect; and all Jersey, or far the greater part of it, is supposed to have made their Submission, and Subscribed the Declaration required. Those who do so of course become our most inveterate Enemies. They have the means of conveying intelligence, and they avail themselves of it.[73]

[70] *Ibid.*

[71] "Chronicle," *Annual Register,* XVIII (1775), 193. General Howe after his return to England wrote in his *Narrative* that the reason he extended his military lines to Trenton in December, 1776, was "that a considerable number of the inhabitants came in with their arms, in obedience to a proclamation of the commissioners on the 30th of November." Howe's *Narrative,* 8–9. See also, the excellent discussion from the military angle of the Howes as peace negotiators in Troyer S. Anderson, *The Command of the Howe Brothers During the American Revolution* (New York, 1936).

[72] Graydon, *Memoirs,* 227.

[73] Robert Morris to Silas Deane, December 20, 1776, in Stevens, *Facsimiles,* no. 1396. It is practically impossible to discover how many people sought pardons at this time and later. The most conflicting evidence remains to make this question impossible of solution. Naturally, the Loyalists wished to give the impression of great numbers, while the American radicals just as naturally

One writer saw in this proclamation slaves offering liberty to freemen and thieves and murderers holding out pardons.[74] To stun the Tories,[75] who had pretended serious offers were being made to Congress, the Whigs used this proclamation as another illustration of the insidious attempts to divide the colonists. Upon Washington's suggestion they recommended that he issue a counter-proclamation, giving the Loyalists just thirty days in which to repair to the nearest army headquarters, renounce their allegiance to England, and swear allegiance to the United States. Those who refused to do so within the required time were to be treated as common enemies of the United States. Furthermore, he ordered all officers who held or might in future hold a commission from Congress to swear anew their allegiance to the independent and sovereign states of America.[76]

In the opinion of the American Whigs, the Howe proclamation and all attempts at negotiation were insincere and injurious. After the failure of the Staten Island negotiations, rumors of conferences spread abroad; a few individuals even declared before members of Congress that they had obtained powers from Lord Howe to effect peace. Edward Bancroft, a spy later discovered to have been in the pay of both England and America, wrote that General Howe had requested the British Government to use every expedient to force Washing-

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minimized the number. In all probability there was a large number who wanted to apply for pardons but, living away from the regions occupied by British soldiers, they did not dare to defy local patriot groups by doing so. Nearness of the British army often speeded up the desire to be on good terms with England. However, the moment this protection vanished the people made haste to return to the patriot fold. But just how many or approximately how many engaged in these desperate attempts to keep body and soul together will, in the author's opinion, ever remain a subject of debate.

[74] Boston *Gazette,* December 30, 1776.

[75] Germain wrote Knox opposing the general pardon offered the colonists; and added, "It is poor encouragement for the friends of Government, who have been suffering under the tyranny of the rebels, to see their oppressors without distinction put upon the same footing with themselves." December 31, 1776, in *Reports on MSS. in Various Collections,* VI, 128.

[76] *Annual Register,* XVIII (1775), 297–98.

ton out of his position and in the meantime "his Brother Ld Howe would endeavour [to] renew some Negociations for Peace in which he had still hopes of Succeeding, notwithstanding his former ill Success." [77]

Lord Drummond, agent of Governor Tryon,[78] tried throughout 1776 to negotiate with Congress concerning his own plan of reconciliation. Having been in touch with the ministry before coming to America, he felt that he had a solution acceptable to both parties. He may have been sent by the ministry to sound out the situation to see what reaction the proposal of Lord Howe would receive.[79] Thomas Lynch, delegate to Congress from Maryland, first called attention to Drummond's efforts. His plan, as he revealed it to Lynch, would give America absolute control of taxation and internal police. Colonial judges were to receive the approval of the English judges, hold office during good behavior, and have their salaries paid by the colonies. Charters were to be inviolable; Britain was to regulate colonial trade, but the duties received thereby were to go to the treasury of the colony in which they were collected and to be at the disposal of the local assembly. In lieu of this, to insure a permanent yearly contribution of five thousand pounds from each colony, America was to place duties on articles apt to keep pace with the growth or decline of the consuming power of the colonies. Lynch felt this sum, only half of the amount formerly raised by the levy of duties, would fail to satisfy the ministry. Drummond assured him the ministry desired nothing but a show of revenue to hold up to Parliament, "as they are afraid to propose reconciliation without saving what the stiff old Englishmen call the honor of the nation." [80]

Washington doubted Drummond's authority to make such

[77] Edward Bancroft to Silas Deane, December 13, 1776, in *The Deane Papers*, in the Connecticut Historical Society, *Collections*, XXIII, 58.

[78] Ambrose Serle to Dartmouth, November 28, 1776, in Stevens, *Facsimiles*, no. 2047.

[79] Lord Howe to Germain, September 20, 1776, *ibid.*, no. 1201.

[80] Lynch to Washington, January 16, 1776, in Sparks, *Correspondence of the American Revolution*, I, 127–28.

an offer and refused to send his letter to Congress until it had been considered and approved. He thought him a well meaning but unintelligent enthusiast and upon closer acquaintance called him an officious meddler.[81] Congress approved Washington's action and concurred with him "in sentiment with regard to his Lordship's officious and unwarrantable zeal." [82] On parole, Drummond went to Philadelphia, and, unsuccessful in his negotiations, he soon left for Bermuda to regain his health. Upon his return, through the assistance of Lord Howe, he renewed his efforts to negotiate with Congress, again requested Washington to forward his letter and offers of peace to Philadelphia, and asked to be allowed to present his plan to Congress in person. For this request and for not obeying the terms of his parole, Washington seriously reprimanded him, but promised to send his proposals to Congress and communicate the answer.[83] Washington attributed his second effort either to the nonarrival of some expected Hessians or to Burgoyne's slow progress in uniting British forces in America.[84]

Congress condemned Drummond's breach of his parole, attacked his motives as dark and dangerous, and again praised Washington for his treatment of his Lordship. After hasty consideration, it decided to ignore his efforts,[85] ordered his correspondence published, and declared his plan of reconciliation the "unauthorized, officious and groundless suggestions of a person who seems totally unacquainted with either the reasonings or the facts which have attended this great controversy; . . . ." [86] Further, it would hear no propositions which did

[81] Washington to the President of Congress, February 14, 1776, in Fitzpatrick, *Writings of Washington,* IV, 330–31, 330n.

[82] President of Congress to Washington, March 6, 1776, in Sparks, *Correspondence of the American Revolution,* I, 165.

[83] Washington to Drummond, August 17, 1776. This letter was published by order of Congress, September 17. Boston *Gazette,* October 7, 1776.

[84] Washington to the President of Congress, August 18, 1776, in Fitzpatrick, *Writings of Washington,* V, 452.

[85] Hancock to Washington, August 24, 1776, in *Journals of Congress,* V, 696n.

[86] Resolution of September 17, 1776, *ibid.,* 767.

not as a preliminary acknowledge the states to be sovereign and independent. Congress ordered Washington in the future to forestall Drummond's peace efforts. But it did not divulge the fact that Drummond first made his proposals in January; nor, in ordering the publication of his terms, did it now reveal the fact. Obviously, the Whigs shrouded this plan in secrecy to prevent the Loyalists from saying genuine offers were being made—an illustration of how firmly they controlled Congress and how keenly they felt the danger of an accommodation.

The Howes continued their efforts to negotiate with Congress. Late in 1776 when General Charles Lee was taken prisoner,[87] General Howe gave him permission to ask Congress for a conference upon his private affairs. Lee, with all his great qualities, recorded Benjamin Rush in his diary, possessed the weakness of being easily imposed on. He could not judge men or character. Because of his love for negotiations and conferences, the colonists accused him of allowing himself to be captured.[88] Congress decided to give every assistance to his personal safety, but not wishing to hinder negotiations going on in Europe and feeling an official conference unnecessary to secure his safety, declined the request. The conservatives, of course, denounced this action, but their words carried less weight this time than in the discussion over the proposed Staten Island conference. From the Whig viewpoint, John Adams put the situation thus:

But it appears to be an artful stratagem of the two grateful brothers to hold up to the public view the phantom of a negotiation, in order to give spirits and courage to the Tories, to distract and divide the Whigs at a critical moment, when the utmost exertions

[87] The story of his correspondence with Congress to obtain release and reconciliation is found in George H. Moore, *The Treason of Charles Lee, Major General, Second in Command in the American Army of the Revolution* (New York, 1860), 103 *et seqq.* Moore noted Lee's peace plan, but added that Lee thought the American cause lost as a result of his capture. *Ibid.*, 84.

[88] Benjamin Rush, "Historical Notes of Dr. Benjamin Rush, 1777," in *The Pennsylvania Magazine of History and Biography*, XXVII (1903), 129–50. See also, Burnett, *Letters of Members of . . . Congress*, II, 263 *et seqq.*

are necessary to draw together an army. They meant, further, to amuse opposition in England, and to amuse foreign nations by this manoeuvre, as well as the Whigs in America, and I confess it is not without indignation that I see such a man as Lee suffer himself to be duped by their policy so far as to become the instrument of it, as Sullivan was upon a former occasion.[89]

Adams thought it a perfect illustration of England's unpreparedness for war, but Washington regretted that Congress had refused to gratify Lee's request and even as late as March, 1777, approved complying with it.[90]

Congress thought General Howe's second attempt to confer was a sneaking effort to benumb the military preparations of the states. It had offered terms in the Staten Island conference; if England acknowledged American independence as a preliminary, it would treat with her for peace. Any negotiations that did not grant this point insidiously aimed to break up the American union. Though the commander-in-chief of the British Army and Navy retained the power of pardon granted in the "Capture Act," only a few other ineffective attempts for reconciliation were made from 1776 to the coming of the Carlisle Commission in 1778.[91] One purpose of Ambrose Serle, Secretary to Lord Howe, was to further efforts at reconciliation. He informed Lord Dartmouth of the hopelessness of his task: "I am almost weary of this Country and my useless Situation. We have nothing to do in the pacific Line, and probably never shall. War alone can induce Peace; and the Polity of America, upon the Peace, must be settled at Home." [92]

The Howes were by no means pleased with the offers they

[89] Charles F. Adams, *Works of John Adams,* I, 262.

[90] Washington to Robert Morris, March 2, 1777, in Fitzpatrick, *Writings of Washington,* VII, 224–25.

[91] For efforts similar to Lee's and Drummond's made by a Mr. Willing, Mr. Brown, and Appolo Morris, see Stevens, *Facsimiles,* no. 1201, and Fitzpatrick, *Writings of Washington,* V, *passim.*

[92] Ambrose Serle to Lord Dartmouth, March 20, 1777, Stevens, *Facsimiles,* no. 2052.

had to make to the colonies. Both desired a genuine reconciliation; and when they realized that was impossible, they sought relief from their unpleasant commands. The appointment of the Carlisle Commission, which tried to effect a reconciliation in 1778, hastened their decision to resign and return to England, "and the permission to return was already in the Admiral's hands when the news of D'Estaing's coming was received." [93] Remaining until the arrival of his successor, Admiral Howe sailed for England at the end of September, 1778. General Howe had preceded him by four months. Embittered at his failure and seeking to avoid blame for the unfortunate position of the nation, Lord Howe aired his disgust before the nation.[94]

The British government watched closely the peace efforts of the Howe brothers. Seeing the proclamation of September 19 in a London paper, Lord John Cavendish took it with him to the House of Commons on November 6, 1776, and, after Lord North testified to its authenticity, had the clerk read it. Though elated at this germ of peace, he condemned the ministry for not communicating it to the House. If the ministers were sincere in their promise to repeal all the laws by which the colonists felt themselves aggrieved, the opposition would like to join such an excellent move. He then moved that the House resolve itself into a committee of the whole to consider the revision of all such acts.[95] After a bitter debate and a reiteration of all the arguments pro and con on the subject of reconciliation, the motion was lost 47 to 109.

The offer of 1776 deeply affected all parties in America, irritating the Whigs and at first giving hope to the Loyalists. The colonists learned that England was determined on coercion and unconditional submission; she wanted all or none of the advantages of America. The British ministry failed to realize that more genuine concessions were necessary. British emphasis on coercion in late 1774 and early 1775 and colonial

[93] Mahan, "Admiral Earl Howe," in *Atlantic Monthly*, LXXIII (1894), 28.
[94] *Ibid.*, 29.
[95] *Parliamentary History*, XVIII, 1434.

successes in 1775 and early 1776 stifled all attempts at compromise. The Whigs accepted, in the Declaration of Independence, the challenge thrown out by England in its policy of coercion, heaved a sigh of relief, and joined Robert Morris in the happy thought that "The year 1776 is over. I am heartily glad of it, and hope you nor America will ever be plagued with such another." [96]

On the other hand, England had reason for some disappointment at America's unredeemed promise to consider carefully any plan of reconciliation offered by the King. The ministry too readily believed Ameria fought not for a separation but for a restoration of rights and the relationship existing prior to 1763. A more favorable reaction by Congress to Drummond's January proposals might have induced the ministry to endow the Howe Commission with greater powers. Utter rejection of these offers convinced them that peace on any reasonable terms would be unacceptable in America. Lord North refused to have England appear before the world as a power unable to crush rebellion and maintain its present position and made only a halfhearted attempt at peace. Who could deny that the intention of the extreme Whigs, who so keenly understood British emphasis on honor, was to resist all serious offers of reconciliation in order to strengthen the ministerial policy of unconditional coercion? This would lessen the colonial opposition to independence, by giving more truth to the Whig assertion that no serious offers were made or were to be made, and would leave the Loyalists and moderate Whigs without a defense. Both on the field of battle and of diplomacy the leaders of the American Revolution seem to have outwitted the ministerial attempts to crush the rebellion. They had the advantage in that they understood the magnitude of the problem of reconciliation and the tremendous appeal of independence. Moreover, they were acting on native soil amid people friendly to their desires.

[96] Robert Morris to Washington, January 1, 1777, in Sparks, *Correspondence of the American Revolution*, I, 317.

Lord Howe did not submit to the American people the full text of his instructions. What would have been the colonial reaction to the proposed changes in the governments of Rhode Island and Connecticut can easily be left to the reader's imagination. Of a similar nature was the persistent desire that colonial governments be made more subordinate to the mother country, and the continued insistence that more power be centered in London and greater uniformity established in colonial administration with less stress upon local rights than upon centralized supremacy. The emergence once more of issues long in dispute, issues upon which neither side had ever shown the slightest willingness to settle by any compromise short of complete surrender by the other party, clearly demonstrated the importance of forces and conflicts running deep into the past. Although the colonists revolted against the new colonial program adopted after the Seven Years' War, it is clear that deep-seated grievances remained from the entire colonial era. These fundamental issues of colonial versus imperial authority were vital and in 1776 they came forth to thwart every effort of the Howe brothers to win back America. Out of the smoke of the verbal battle of that year arose a more enlightened British government and a more determined colonial resistance. For two years thereafter the British government turned its attention to winning military victories; but when once again it resorted to diplomatic efforts to end the war and retain America, it sent to America a commission armed with full powers and instructed to do everything it could to stop the war on a basis just short of actual independence.

CHAPTER VII

RECONCILIATION, A MINORITY WEAPON

THROUGH pamphlets, private letters, and speeches, from the fall of 1774 until the peace treaty of 1783, individuals in America and England set forth their solutions of the American question. Most of them sought the immediate reunion of the American colonies to Great Britain, without any clear realization of the broad concessions necessary to insure a permanent and enlightened peace. Upon only one thing did most of these pamphleteers and individual peace advocates in Britain agree—a sincere desire to retain the colonies for England. Although they bore little relation to each other, they embodied the thoughts of many people and had considerable influence outside of Parliament. The public read them, along with the plans of the administration, and sent their appraisals to the authors. Perhaps they were offered chiefly for popular effect. Other motives than those of humanity, patriotism, and love of the empire undoubtedly played a part in their origin. The authors could hardly have expected their plans to be acted upon.[1] When Pitt introduced his plan of conciliation in the House of Lords, February 1, 1775, no one knew better than he that the measure would be rejected. So clearly did he recognize this that he did not take the trouble to explain its contents to the Rockingham party. His purpose was to reach that wider audience outside of Parliament which he always had in mind.[2] Undoubtedly the conciliatory efforts of Lord

[1] George H. Guttridge, "David Hartley, M.P., An Advocate of Conciliation, 1774–1783," in University of California, *Publications in History*, XIV (April 9, 1926), 269.

[2] Arthur S. Turberville, *The House of Lords in the XVIIIth Century* (Oxford, 1927), 358 *et seqq.*

Chatham, Edmund Burke, the Duke of Grafton, and David Hartley served to make the war unpopular and to increase the difficulties of the government.

In contrast to these continued efforts of individual Englishmen, American patriots ceased to frame proposals for reconciliation after June, 1776. Not a single plan was discovered that had been drawn up and advocated by any colonist of repute after the Declaration of Independence. Americans debated British proposals, but they were too busy winning the war to bother with writing conciliatory propositions. Perhaps the reaction of the Americans would have been more favorable to the English proposals had they not indicated that their authors failed to realize that the course of the war, the Declaration of Independence, and the Franco-American alliance necessitated better terms than during the earlier years. Americans were not only not proposing reconciliation, but they were unwilling to consider seriously plans that might have appealed to them before the war began.

When the attempts to coerce Massachusetts began to meet united opposition in the fall of 1774, several Englishmen, including the ministers, turned to Franklin, who was then in London as colonial agent for Pennsylvania and Massachusetts. William Pitt, the Earl of Chatham, first requested an interview with him on Anglo-American affairs in January, 1775. North's punitive measures intensified his anxiety over the American situation. To him it seemed madness to attempt to settle the troubles in America by force; such violent action would break the bond forever. The terms Congress proposed in its first petition to the King embodied all the government could expect. Englishmen did not want to see three millions of their fellow countrymen made slaves in America.[3]

Following this interview, Chatham, on January 16, 1775, requested the Countess of Chatham to inform Lord Stanhope, his son-in-law, that he had a proposal to make the first day

[3] Chatham to Stephen Sayre, Esq., December 24, 1774, in Taylor and Pringle, *Chatham Correspondence,* IV, 368.

Parliament convened. Though he wished his intended proposal to be widely known,[4] the report spread that he had decided to ignore American affairs and stay in the country. He thought this an insidious plot, a pitiful device of court and faction, and on January 19 wrote Stanhope:

I mean to-morrow to touch only the threshold of American business and knock at the minister's door to wake him, ... I shall move for an address, to send orders immediately for removing the forces from the town of Boston as soon as practicable. Be so good as not to communicate what my intended motion is to any one whatever; but the more it is known and propagated that I am to make a motion *relative to America* the better.[5]

Through Stanhope he invited Franklin to be present in the Lords on January 20. Pitt introduced him to the doorkeeper in an unusually loud voice, "This is Dr. Franklin, whom I would have admitted into the House; . . . ." [6] This action caused some speculation, because Franklin's relations with Chatham were not widely known. At Pitt's entrance, Franklin observed a kind of bustle among the officers, who hurried about sending messengers for the members. The appearance of that great man signified an important occasion. Franklin heard the speech and the motion to remove the troops from Boston and was charmed with Chatham's eloquence. He ended his speech with the warning that:

If the ministers thus persevere in *misadvising* and *misleading* the King, I will not say, that they can allienate the affection of his subjects from his crown, but I will affirm, that they will make the crown *not worth his wearing*. I will not say, that the King is betrayed, but I will pronounce that the *kingdom is undone*.[7]

The motion received some support, but as Franklin wrote:

[4] Chatham to the Countess of Chatham, January 16, 1775, *ibid.*, 369.

[5] Chatham to Stanhope, January 19, 1775, *ibid.*, 371–72.

[6] "An Account of the Negotiations in London . . . ," in Smyth, *Writings of Franklin*, VI, 361.

[7] *Ibid.*, 361 n.1.

all avail'd no more than the whistling of the winds. The motion was rejected. Sixteen Scotch Peers, and twenty-four Bishops, with all the Lords in possession or expectation of places when they vote together unanimously, as they generally do for ministerial measures, make a dead majority that renders all debating ridiculous in itself, since it can answer no end.[8]

However, the motion was only a preliminary to his plan of reconciliation. In the formation of this plan, he sought Franklin's advice; "he was not so confident of his own judgment, but that he came to set it right by mine, as men set their watches by a regulator." [9] The plan provided that Parliament secure colonial property and liberty in return for American recognition of parliamentary supremacy. Obviously, he tolerated no wild schemes of independence for the colonies.[10]

Chatham's bill, announced in Parliament February 1, 1775, called for "A Provisional Act for settling the Troubles in America, and for asserting the Supreme Legislative authority and superintending power of Great Britain over the Colonies." [11] The colonies, according to this proposal, ought to be dependent on the crown and subordinate to Parliament, which could legislate in all matters concerning the British Empire, including the power to regulate trade, place a standing army anywhere in the Empire, and divide legislative authority between the colonies and the mother country. Taxes without the consent of the assemblies should not be levied. Parliament should approve the Continental Congress and restore pre-1763 conditions.

In opposition, the government declared the plan too complex, unparliamentary, and too pro-American, and, therefore, with little debate easily defeated it. The defense said some solution was imperative if British commerce, trade, and manufactures were to endure. Inaction was disastrous. Condemning

[8] *Ibid.*, 362.

[9] *Ibid.*, 365.

[10] Pitt to General Carleton, [n.d.], 1775, in Taylor and Pringle, *Chatham Correspondence*, IV, 407.

[11] *Parliamentary History*, XVIII (1775), 198.

coercion and ministerial weakness, Chatham declared the failure of the bill would not stifle its influence; on the contrary, it "will make its way to the public, to the nation, to the remotest wilds of America; it will, in such a course, undergo a deal of cool observation and investigation." [12] The Lords' hurried rejection caused Franklin to cry out against them, as "hereditary legislators." In his opinion they lacked the discretion necessary to govern a herd of swine.[13]

Parliament's acceptance of Chatham's plan probably would not have satisfied America. Colonial leaders would not have acknowledged British legislative supremacy over the colonies. The plan did not yield enough, for return to the conditions of 1763 was inadequate. It left unchanged too many basic grievances and its rejection most likely saved the Americans from great embarrassment.

Edmund Burke, on March 22, 1775, introduced conciliatory resolutions. Against singling out Massachusetts for special punishment when all were equally disobedient, he requested that the duty act of 1767, and the coercive acts of 1774, be repealed. In a speech [14] of 127 octavo pages, he set forth his theory of a reunion. After reviewing in vivid terms the growth and power of the colonies, he declared that the present quarrel originated over the question of taxation. Although he thought it workable, he did not recommend colonial representation in Parliament. He advocated a return to pre-1763 conditions. In summary, he wished to repeal the objectionable acts; advo-

[12] *Ibid.*, 211. On February 11 the corporation of the city of London passed a resolution thanking Chatham for his able defense. In reply he politely asserted that he only did his duty to his country. *Ibid.*, 215–16.

[13] Smyth, *Writings of Franklin*, VI, 370–71.

[14] "Speech on Conciliation with America," in *The Works of Edmund Burke*, 9 vols. (Boston, 1839), II, 2–85. England could renounce the right of taxing the colonies, but could the colonies say that "in the event of a war with France, they would not expect the British fleet to prevent a French force from attacking New York? This question was never faced. The leaders of the revolution put forward the cry of no taxation without representation, ... But the counter cry should have been no defense without contribution." Fortescue, *Correspondence of George III*, Vol. III, x.

cated the appointment of judges during good behavior; recommended the improvement of the Admiralty courts; and supported the plan of leaving to the Provincial assemblies the right of taxation.

My resolutions, therefore mean to establish the equity and justice of a taxation of America, by grant, and not by imposition. To mark the legal competency of the colony assemblies for the support of their government in peace, and for public aids in time of war. To acknowledge that this legal competency has had a dutiful and beneficial exercise; and that experience has shown the benefit of their grants, and the futility of parliamentary taxation as a method of supply.[15]

He noted that, by request, the colonies had frequently granted subsidies to Great Britain—in one instance more than England sought.[16] Thus, to suppose they would refuse to help in the future was unreasonable. Parliamentary levies on the colonies without their consent should yield to absolute colonial freedom in taxation. Why not secure a revenue by guaranteeing to the colonies the right of refusal? At the end of his long speech, Burke felt that if he could not reconcile the empire, he could at least give peace to his own conscience. His final advice revealed his keen knowledge of the colonial attitude:

Let the colonies always keep the idea of their civil rights associated with your government;—they will cling and grapple to you; and no force under heaven will be of power to tear them from their

[15] "Speech on Conciliation with America," in the *Works of Burke*, II, 60.

[16] Burke cited several incidents in which the colonies contributed liberally, and noted especially a resolution of a committee of the House of Commons of April 4, 1748, " 'That it is the opinion of this committee, *That it is just and reasonable* that the several provinces and colonies of Massachuset's Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expences they have been at in taking and securing to the crown of Great Britain, the island of Cape Breton and its dependencies.'

"These expences were immense for such colonies. They were above 200,000 £ sterling; money first raised and advanced on their public credit." *Parliamentary History*, XVIII (1775), 520.

allegiance. But let it be once understood, that your government may be one thing, and their privileges another; that these two things may exist without any mutual relation; the cement is gone; the cohesion is loosened; and everything hastens to decay and dissolution.[17]

While he would leave the right of taxation with the assemblies, he would not yield the right of Parliament to legislate for the colonies; that is, he thought Parliament supreme over the assemblies in matters concerning the empire, but wished it not to use certain rights within the colonies. His resolutions were defeated by an overwhelming majority of 270 to 78.[18]

Burke on November 16, 1775, introduced his bill for composing the present troubles in America. During the debate, the only people in the gallery, according to the *Morning Chronicle,* were four women of quality and a few foreigners.[19] The clerk read a petition sent to Burke from the gentlemen, clothiers, manufacturers, and other inhabitants of Westbury, Warminster, and Trowbridge. It set forth the grievances they had suffered from the acts passed in Parliament against America and pointed out that, ever since the American troubles began, their trade had suffered and the employment for the poor had decreased. Americans resisted, not because of impatience with subordination to the constitutional supremacy necessarily vested in the mother country, but because they wished to preserve a practice enjoyed for 150 years. For the sake of peace, trade, and commerce, the petition asked the House to consider measures for reconciling America.

Burke said the signers of this petition were all men of property. Things had gone so far in the Commons that to be lenient toward the colonies was to countenance rebellion, but such threats would not intimidate him. Not vague causes of the war, but the solution of the present trouble concerned him. Three possible solutions existed: war, war and treaty, and

[17] "Speech on Conciliation with America," in the *Works of Burke,* II, 80.
[18] *Parliamentary History,* XVIII (1775), 540. [19] *Ibid.,* 963.

peace grounded on concession. War had failed, war and treaty could not succeed, concession only remained. Delay of conciliation would result in a French alliance against England, while mutual concessions would outlive an agreement extorted by armed negotiation. Though Parliament had the taxing power and was supreme over the colonies, it could "put the local power of the purse into other hands than its own, without disclaiming its just prerogative in other particulars." [20] Why not dispense with theory and work out a plan that would be practicable and acceptable to America? He asserted that England faced a condition, not a theory. America was now a power to reckon with. To win its acceptance of any plan, England would have to make genuine concessions; and the preservation of other principles and prerogatives demanded the cessation of the use of the right of taxation. His plan embodied three capital parts: "a renunciation of taxing,—a repeal of all statutes which had been made upon a contrary principle,—and a general pardon." [21]

Briefly, Burke proposed: colonial freedom in taxation; parliamentary regulation of American trade; disposal by the various assemblies of income from trade regulation; Parliament's recognition of Congress; congressional supremacy over the assemblies; repeal of the "obnoxious acts"; pardons for violence against the King; colonial indemnity against future implications; restoration of Loyalist property; and the disbandment of the American army.

The ministerial objection was that the greater disposition England showed toward reconciliation the more obstinate, rebellious, and insolent America became. They knew not what America wanted, because its demands grew every day. The surest way to settle the trouble was to show the colonies that concessions from England came from a love of justice, not from a fear of resistance. Despite Burke's desire for silence, Parliament debated for seven hours the question of taxation and defended its authority to tax America.[22] The bill was too

[20] *Ibid.*, 974. [21] *Ibid.*, 975. [22] *Ibid.*, 934.

liberal for Englishmen and was defeated by a vote of 105 to 210.[23]

As long as a reconciliation was possible, his plan was most in accord with colonial terms. It might have satisfied the great majority of the colonists had it been passed and rushed to America. However, the radicals in Congress would probably have rejected it immediately, because it did not yield enough on the point of taxation. They desired a final solution, not silence, and thought Parliament should expressly renounce the right of taxation. As his plan stood, the question would never have ceased to agitate the minds and councils of both countries. It would have been ever a source of discontent pregnant with the likelihood of war. What assurance had America that some future Parliament would not change its mind and revert to the old policy of taxation?

Undeterred by the failure of others, David Hartley, a member of the Commons, 1774–1780, and an intimate friend of Rockingham, moved in the House of Commons:

> That an humble Address be presented to his Majesty, that he will be graciously pleased to give orders, that Letters of Requisition be written to the several provinces of his Majesty's colonies and plantations in America to make provisions for the purposes of defending, . . . the said colonies and plantations; and that his Majesty will be pleased to order all such addresses as he shall receive, in answer to the aforesaid letters of requisition, to be laid before this House.[24]

He was not a member of the opposition, but he genuinely desired a reconciliation and did not relax his efforts to attain it until the war closed. In his introductory speech, he denounced North's plan of 1775 for its duplicity of purpose and lack of any fundamental concession. If, as the North plan provided, it were now proper to make requisitions upon the colonies for grants, and if it had formerly been so, then how could England justify her absence from the right road for ten years?

[23] *Ibid.*, 992.

[24] *Ibid.*, 570–71.

As a supplement to North's act, he proposed a return to free requisitions; and, following the other minority peace proposals, he placed the question as it stood prior to 1763. Why had North delayed so long since offering his proposition to give it some practical turn? Why had not some agency been appointed to carry out the purpose of the act? Since North had omitted this, he would take the proposition without its objectionable features, and propose an address to the King to give it force. Taxation?

> If you think that you have the right of taxing, I pass it over in silence,—if you have the power, I do not—I cannot, take that away. Then make a free requisition; and be contended [*sic*] to keep to yourselves the satisfaction of thinking, that you have something in reserve, in case of non-compliance. Keep that *sub silento* [*sic*]; at least till you find that it becomes necessary. [25]

Requisitions were not to originate from the King or be called royal requisitions. The King was merely to put the plan into effect upon the address of the Commons.

> It is so far from being my proposition, to enable the crown to raise what supply it can from America, independent of parliament, that my motion is the very first which has ever had in contemplation, to lay a parliamentary controul upon that power; and to require that all answers from America shall be laid before this House for the very purpose of controuling that power in the crown. I have so doubly guarded that point, that my motion is not even for the crown to demand a supply from America; but for services to be performed in America; for the defense, security and protection of the colonies themselves.[26]

Colonial aid in the last war showed that free requisitions were practical. Yet, after hearing themselves praised until March 14, 1763, the colonies saw the tide turn within one year and heard themselves attacked as a burden in the very Parliament which had voted them compensations for the liberality and excess of their services. What had England done for the

[25] *Ibid.*, 554–55. [26] *Ibid.*, 555.

colonies? Nothing! All had been for the aid of the mother country:

> Look at the preamble of the Act of Navigation, and every American Act, and see if the interests of this country is not the avowed object. If they make a hat or a piece of steel, an act of parliament calls it a nuisance: a tilting hammer, a steel furnace, must be abated in America as a nuisance. Is it so with their fellow subjects on this side of the Atlantic? Are the hats and cloths of Gloucestershire nuisances? [27]

Why was America now a greater expense than before the war, especially since the French had been expelled from Canada? Should not the colonies, bearing part of the expenses of the new conquests in Canada, share also in the peace which secured those regions? Was not the protection of the British fleet stationed in America more for Great Britain than for America? He would maintain naval pre-eminence, since the colonies needed protection more by sea than by land; thank the colonies again for their services in the past war; and share with them the government of the conquered dominions ceded to England. However, for colonial surrender of a share in the control of the conquered provinces England should guarantee them permanent security from all foreign enemies. The King could make requisition to the assemblies for voluntary contributions for defense. The mode of compliance with this demand was left to colonial option. North's plan of a forced requisition would compel resistance, but his own plan, he asserted, would restore harmony between the two countries and avoid for England the disaster of a broken empire and a costly war with the House of Bourbon. Parliament should forget America's resistance and, by reconciliation, check further bloodshed.

North thought the motion inconsistent with the dignity of Great Britain and out of order because Parliament had ac-

[27] *Ibid.*, 558.

cepted his own policy. To adopt new measures overturning his policy would be unparliamentary. Royal requisitions seemed to him to differ little from the old ship money tax of King Charles I. Further, he did not believe the motion would restore the golden era ending in 1763. The proposal was defeated without a division.[28]

Hartley made a second proposal December 7, 1775. Though the problem of the past year was to secure a substantial revenue, at present it was to obtain peace with America. He agreed with North's attitude at the beginning of the session: " 'Would to God, that all things were in the same state, in which they were in 1763; . . . .' " [29] America had made a reasonable offer, but England still hankered after a revenue. Again, to obtain a revenue, he advocated a restoration of pre-1763 conditions and suggested that, as a preliminary, the colonies pass some general act which would have been welcomed in 1763 though passed by Parliament.[30] It was reasonable for America to accept an act of Parliament based on humanity and justice, but it was dangerous to disturb questions of rights, extent of empire, and obedience. Even acts of acquiescence could be twisted to involve hazardous concessions. Parliament as a test of America's sincerity should grant the right of jury trial to Negroes in criminal cases arising in the colonies. America could not for a moment refuse to accept this. Let the two countries be reunited on the foundation of destroying slavery from the face of the earth. "Let those who seek justice and liberty for themselves, give that . . . to their fellow-creatures." [31] England should point the way to abolition, he insisted, by granting jury trial in criminal cases and leave to each colony the establishment of a system to erase slavery. His plan called for: a suspension of arms during negotiations; a restoration of the government of Massachusetts, with some mutual concessions, to place the proscribed colony in a mood of conciliation; a repeal of all obnoxious acts passed

[28] *Ibid.*, 574. [29] *Ibid.*, 1045. [30] *Ibid.*, 1048. [31] *Ibid.*, 1049.

since 1763; and voluntary requisitions. Through his mediation, the colonies could live up to their professions, and the mother country show its generosity.

North considered the motion untimely because the bill prohibiting American trade was then going through the House. In reply, Burke used this very reason to justify acceptance of the measure; since, if that bill and the measures and principles which gave birth to it had not made their way into Parliament, there would be no occasion for the present motion. Such efforts were futile, because the ministers, supported by a large majority, determined to override all opposition. The motion failed by a vote of 21 to 123.[32] It seems that such a proposal could only fail. The American leaders would have considered it an attempt to trick them into an acknowledgment of the legislative supremacy of Parliament.

A long debate occurred November 7, 1775, in the Lords on the motion, "That the petition of the Congress of America to the King affords Ground of Conciliation." The resolution referred to the second petition of Congress of July 8, 1775. In debating this motion the Lords repeated old arguments; they challenged and praised the justice of the proposals in the petition. For hours they debated the wisdom of allowing Governor Penn, the bearer of the petition, to present himself at the bar to verify the document. At his examination November 10,[33] he declared the colonists fought for their liberties, not for independence. At least, he had heard no sentiments contrary to this belief. Though willing to acknowledge the authority of Great Britain over imperial affairs, he added that the colonies would not permit internal taxation by any external power. They preferred freedom under England and, while supporting the measures of Congress, hoped for a reconciliation.

After this examination, the Duke of Richmond demanded an immediate reconciliation.[34] The petition showed that the colonists were ready for it. Though it closed in the language of

[32] *Ibid.*, 1056. [33] *Ibid.*, 910–16. [34] *Ibid.*, 916–19.

dutiful submission to the authority of England, he thought, America could fight. If England decided on conquest, from where was the army to come for conquering so large a region? How would troops be transported there, and how could they be supplied with fresh meat? How could they conquer an enemy concealed in the many forests and swamps? Owing to these fears and beliefs, he moved, "That the petition of the Congress of America to the King affords Ground of Conciliation."

Lord Shelburne thought two obstacles might be urged against the motion: compliance with the petition would yield the point of taxation; and negotiation with Congress would violate the dignity of Parliament. The first objection was futile, because the right of taxation, never acknowledged by America, had been chimerical from the first. If taxation were the sole question, why not tax Ireland, which used far less British manufactures than did America? As to the second objection: Why refuse to treat with the American Congress when Parliament had once seen fit to organize one? "What wise men once approved, deserved better treatment than hasty reprobation." [35]

To discuss conciliation was futile, Shelburne thought, unless such a measure was really intended. The army had not been able even to see the enemy, much less stare them into submission as the government had once boasted; the attempts to enlist the Irish Roman Catholics had been unsuccessful; the Canadians had wisely declined to share the contest against America; the Indians had not subdued the frontier; and all attempts to divide the colonies had failed. Such ill success should cause the ministry to seek a compromise.

The government said that to recognize the petition was to relinquish the sovereignty of Parliament. The colonies were in rebellion; subduing America was not as impossible as the Duke of Richmond feared; resistance to parliamentary author-

[35] This refers to the Albany Congress of 1754 called by request of the ministry. *Ibid.*, 922.

ity was rebellion in any part of the empire; and, furthermore, Penn was partial in his evidence before the bar. The motion was lost 60 to 27.[36]

The Duke of Grafton, forced out of office in 1770 to make way for the beginning of the King's rule, offered a plan of conciliation on March 14, 1776. He suggested only the broad outlines of peace. The new doctrine of unconditional submission, now almost openly advocated by the ministry, was full of mischief. Colonial confidence could be won only by an open advocacy of conciliation; silence on conciliation would elicit a coercive aim. Conciliation and coercion tried jointly, he asserted, would only increase the confusion. The restraining acts combined with a measure for the appointment of commissioners[37] to treat with the colonies, receive submissions, and grant pardons narrowed the issue to unconditional submission or independence. America was either a part of the British Empire and subordinate to Parliament or nothing.

Men began to realize more clearly perhaps what George III's real motives were. He had long tried to manipulate British politics so as to secure a majority party more ready to follow his ideas. His American policy provided for only two alternatives: complete subjugation and absolute freedom. Since only the sword could decide which, he was ready to use it. Against this condition the Duke of Grafton labored. He believed that clause empowering the King to appoint peace commissioners was written by Lord Mansfield, who now spoke for the King in the House of Lords.[38] The "Capture Act" aimed to subdue America by destroying its trade, in case its leaders refused the King's peace terms. Why not let the colonies submit a peace plan of their own?

It will be but a fair and equitable experiment, by way of warning; and if they should refuse to offer any proposition, or tender such

[36] *Ibid.*, 936. [37] This refers to the Howe Commission. See *supra*, chap. v.

[38] Turberville, *House of Lords in the XVIIIth Century*, 345. See also, George O. Trevelyan, *The American Revolution*, Parts I–III (New York, 1899–1907), Part II, Vol. I, 67–68.

only as are inconsistent with the dignity and rights of this legislature, and the interests of the empire at large, it will produce this other very beneficial consequence; it will unite this country in support of measures, which are far from being universally approved; and vindicate the justice and honour of the nation, not only in the opinion of its own subjects, but in that of all Europe.[39]

Furthermore, Grafton thought the administration "should have the most unequivocal proofs of the disposition of foreign powers before they blindly rushed into a civil war. . . . I know the stress that ought to be laid on the language usually held by ambassadors." [40] Ministerial declarations served only to amuse and deceive. France and Spain were collecting a large naval and military force to use somewhere. Only reconciliation could check this rising foreign opposition. Without further discussion, he moved the repeal of the recent coercive acts and recommended an address to the King to issue a proclamation that if the colonists would present a petition setting forth their grievances, it should be considered and answered.[41]

The old arguments pro and con were again brought forth. The government declared that a recession by England would encourage the colonies to increase their demands; the proposal was out of line with existing American policies. The scheme was too humiliating; too cowardly on the part of the mother country; and too yielding to colonies in open rebellion. The defense feared an alliance of Spain and France with the colonies. After arming themselves in a just war and for a just cause, would the colonists disarm and revert to the mercy of a hard-headed ministry? On the other hand, they asked: Who definitely knew that the aim of America was independence? British policy sprang from a supposition.

Lord Camden opposed taxing unrepresented America. Granting other people's money was a solecism in modern politics and legislation—an idea that intelligent men ought to treat with scorn. He thought it impossible for the King to

[39] *Parliamentary History*, XVIII (1775), 1252.
[40] *Ibid.* [41] *Ibid.*, 1253.

empower commissioners to pardon whole provinces of men. If true, would that settle the problem? Any commissioner that dared to make a single concession short of unconditional submission would risk his neck. Then why send commissioners when the least intercourse, according to the language of the Lords, was treason against the King?

Lord Mansfield answered that pardoning in the lump had long been an inherent right of the crown. It was unreasonable to assume that France and Spain would betray their present peaceful intentions. Since the Americans were unwilling to end the rebellion, Britain could do nothing but hire foreign mercenaries and fight to the end. Discarding wishful thinking and refusing to ignore the absurdity and utter foolishness of many attempts at reunion, he sneered at Grafton's plan:

> Without proposing to save a shilling of the enormous expense the nation has been at, in providing and equipping the armaments to be sent out this year to America; it agrees that the troops should proceed; but when they shall arrive at the place of their respective destinations, they are to remain with their arms folded, inactive and unemployed . . . commissioners are to treat with congress; they are to prepare a petition of grievances, which the petitioners are to bring to England. The congress will laugh in their sleeves at our folly; they will reprint their declaration of war under a new title, for that states what they term their grievances. We shall lose a campaign, of which they will take care to avail themselves, and the next spring we shall have the whole to begin again.[42]

Grafton replied that Mansfield had made his motion appear ludicrous. His intention was to leave it open to alteration and amendment. Above all he desired a restoration of peace. The motion was lost 31 to 91.[43]

This motion was not practical because the colonies would never have framed such a petition. Congress had already sent two petitions seeking a reconciliation and had suffered the humiliation of complete rejection in both instances. The radicals, led by Sam Adams, had long ago lost all faith in petitions

[42] *Ibid.*, 1283–84. [43] *Ibid.*, 1286.

and would have done everything within their power to avoid sending another. On the other hand, Lord Dartmouth put England's case concisely when he said that lenity had been tried before, but had been scorned as an indication of national imbecility. No reconciliation was possible till the colonies granted the sovereignty of Parliament; only force would effect that grant.

The Earl of Chatham sent a letter to Lord Camden on May 26, 1777, saying he was too weak to write, "but as he is enough recovered to hope to be able to crawl to the House of Lords, he means to be there, on Thursday next, in order to move the consideration of the American war." [44] Camden called the Lords into session on May 30, just before the close of a dull session of Parliament. Wrapped in flannel and looking pale, the great actor went to the House of Lords, and, with a voice scarcely audible to the end of the room, called upon his hearers, in short but powerful sentences, to stop the war before it was too late. Only six weeks, he declared, remained to arrest the dangers that surrounded England. America had a double value—it was a market of consumption and of supply. Without the navy's protection British troops on the American continent were helpless. America could not be conquered; it could only be ravaged. England must stop the war before France and Spain allied with America; now was the crisis. To maintain its empire intact, England should act immediately. The moment France and Spain entered the war against England, the King should declare war on them. He wished that the accumulated grievances could be removed, but he thought the mother country, as the aggressor, ought to make the first overtures for peace. Instead of asking for an unconditional submission, Parliament should grant an unconditional redress. However, at this late date, he could only recommend that every oppressive act passed since 1763 be repealed and, without hope of its acceptance, propose a federal union between the colonies and the mother country, granting the colo-

[44] Taylor and Pringle, *Chatham Correspondence*, IV, 432.

nists full control of internal affairs and binding them only by ties of affection and loyalty to the general body of the empire.

The government declared that America would not become an independent nation, but a dependency of France. Acceptance of such a motion would be an indication of national weakness in the eyes of the world and an invitation to foreign foes to enter the war and divide the spoils. Tactlessly recalling Chatham's 3000 pounds yearly pension, one writer denounced his whole American policy: "His inconsistent American doctrine was the cause of all our misfortunes in America. The noble Earl gloried in American resistance, he encouraged that spirit of resistance, and died with dependency in his mouth. This was the immortal man!!!" [45] Chatham's peace proposal failed by a vote of 99 to 28.[46]

Before 1776, when reconciliation was at least a possibility, various persons vied for the honor of planning it. After North's quick and final failure of 1778, all serious hope of a reunion vanished. However, David Hartley continued his efforts to obtain a reconciliation. During the war he kept closely in contact with Franklin. His plans for colonial autonomy, similar to the present Canadian Commonwealth, were too radical and visionary for his contemporaries.[47] His frequent and determined appeals to Parliament earned him the title of the "Dinner-bell" of the House, "whose interminable speeches were, if possible, still more dreaded for their dulness than for their length; . . . ." [48]

He offered his final plan June 22, 1779. In planning this solution, he conferred with the ministry and with Franklin. Franklin read Hartley's plans and carefully noted the defects of each new draft. In reply to one of these letters, Franklin put

[45] A pamphlet entitled *A Plan of Reconciliation with America; consistent with the Dignity and Interest of both Countries* (London, 1782), 38.

[46] *Parliamentary History,* XIX, 352.

[47] Guttridge, "David Hartley, . . . ," University of California, *Publications in History,* XIV (1926), 261–74.

[48] Sir Nathaniel W. Wraxall, *Posthumous Memoirs of His Own Times* (Philadelphia, 1845), 10.

the American case squarely by illustrating in a play the situation of America after 1778. England had continued to think America would abandon the alliance with France.

His Play

(Scene. Mount's Bay)

A ship riding at anchor in a great storm. A lee shore full of rocks, and lin'd with people, furnish'd with axes & carriages to cut up wrecks, knock the sailors on the head, and carry off the plunder; according to custom.

1ST. WRECKER. This ship rides it out longer than I expected. She must have a good ground tackle.

2D. WRECKER. We had better send off a boat to her, and persuade her to take a pilot, who can afterwards run her ashore, where we can best come at her.

3RD. WRECKER. I doubt whether the boat can live in this sea; but if there are any brave fellows willing to hazard themselves for the good of the public, & a double share, let them say aye.

SEVERAL WRECKERS. I, I, I, I.

(The Boat goes off, and comes under the Ship's stern.)

SPOKESMAN. So ho, the ship, ahoa!

CAPTAIN. Hulloa.

SP. Wou'd you have a Pilot?

CAPT. No, No!

SP. It blows hard, & you are in danger.

CAPT. I know it.

SP. Will you buy a better Cable? We have one in the boat here.

CAPT. What do you ask for it?

SP. Cut that you have, & then we'll talk about the price of this.

CAPT. I shall not do such a foolish thing. I have liv'd in your parish formerly, & know the heads of ye too well to trust ye; keep off from my cable there; I see you have a mind to cut it yourselves. If you go any nearer to it, I'll fire into you and sink you.

SP. It is damn'd rotten French Cable, and will part of itself in half an hour. Where will you be then, Captain? You had better take our offer.

CAPT. You offer nothing, you rogues, but treachery and mischief.

My cable is good and strong, and will hold long enough to baulk all your projects.

SP. You talk unkindly, captain, to people who came here only for your good.

CAPT. I know you come for all our goods, but, by God's help, you shall have none of them; you shall not serve us as you did the Indiaman.

SP. Come, my lads, let's be gone. This fellow is not so great a fool as we took him to be.[49]

Franklin thought a direct and immediate peace based on British recognition of American independence the only possible solution. Neither France nor America could or would dissolve their alliance. A recession by America at this late date would render a future French alliance impossible, leave America completely subordinated to British authority, and perhaps dash the cup of victory and independence, so near realization, forever from its lips.

Hartley's plan as finally proposed to Parliament contained the following stipulations: the appointment of five commissioners to treat with America; the suspension of hostilities for ten years as a preliminary; the withdrawal of forces, not as a preliminary, but as the first article of negotiation; a suspension of any acts of Parliament during the years of truce; the formation of a general treaty after colonial acceptance of the preliminary conditions; and finally, the immediate execution of any accepted articles without waiting for the completion of the final treaty. Hartley would concede everything to conciliation with America, but nothing to a dictation by France.[50] Such a truce would bring peace, he thought, but even he realized that both sides would reject it. Each country, too proud to make the first offer, would wait for the other. France, he insisted, could not courteously refuse to agree to any solution America accepted. A cooling period of ten years; silence on

[49] Franklin to Hartley, February 3, 1779, in Smyth, *Writings of Franklin*, VII, 228–29.

[50] *Parliamentary History*, XX, 907 *et seqq.*

independence; and a French release of America from treaty promises, he hoped, might save the colonies for England. Feeling all peace efforts futile, the ministry negatived the plan without debate.[51]

How the vain hopes of men endure after all likelihood of their realization has vanished! Such random shots at reunion by men of little imagination and influence as the remaining records show raise the unanswerable question as to the motive of their origin. The failure of the plans of the minority or majority in Parliament symbolized the inability common to all others who struggled to find a lasting solution. The pamphleteers of reconciliation flooded England and America with their peace propaganda.

The dominant attitude of Britain's self-appointed peace advocates was well expressed by an unknown writer, who prefaced his plan in these words: "If it be too weak to be of use to the state, it will be thrown out, like the Spartan infant, to perish by neglect. . . . It is a child of the Public, and honestly designed for their service; . . . ." [52] Writers good and bad, sincere and insincere, were undoubtedly urged to use their pens either for or against reunion. Too often glittering generalizations replaced the more noble, if less easy, rhetoric of sound logic and reasoned analysis. As no single author was able to present a complete plan, a synthesis of the proposals consulted will give a fair outline of contemporary thought on the problem of reconciliation.

Though but few Americans ever desired or would have accepted it, colonial representation in the British Parliament was consistently proposed.[53] Fear of corruption of American agents in London, the misunderstanding inherent in the dis-

[51] *Ibid.*, 915.

[52] A pamphlet entitled *A Proposition for the Present Peace and Future Government of the British Colonies of North America* (London, 1775), i–ii.

[53] See the Philadelphia *Pennsylvania Ledger, or the Virginia, Maryland, Pennsylvania, & New Jersey Weekly Advertiser* (Supplement), March 25, 1775. See also, Thomas Pownall, *The Administration of the British Colonies*, 2 vols. (London, 1777), II, 8.

tance between delegate and constituency, and the realization that the colonies would never receive representation on a proportional basis common to England and America prevented its acceptance.

How to frame an offer that would secure to the colonies absolute freedom in legislation over internal affairs and prohibit all interference internally under the guise of external regulation, while preserving the authority of Parliament over the general control of the empire, puzzled every person who tried to plan a just reunion. To replace the board of trade, one elaborate plan proposed the establishment of a supreme council consisting of limited delegations from all parts of the empire, chosen in proportion to population and paid an annual salary by the province represented. It was to hold regular sessions and have final authority to pass upon acts of Parliament, but the King was to retain the power to negative acts of both.[54] The council could hear appeals from colonial cases, regulate the trade of the empire, prepare a fleet to enforce blockades and decrees, arrange to pay for the damage to the East India Company, and work out an equal land tax in all British dominions.

Britain could give America industrial freedom, allow colonial foreign trade in British vessels, and secure its dependency by making it subordinate to England "legislatively." [55] Feeling both coercion and independence fatal to England, as late as 1782 one writer said: "Only secure their *legislative* dependence, which will answer all your purposes; . . . ." [56] This was the crux of British desire in all things American. Another writer suggested a central governing body for all British possessions, but, after planning an excellent scheme of government, destroyed its value by giving it no final authority. Parlia-

[54] A pamphlet entitled *A Plan for Conciliating the Jarring Political Interests of Great Britain and Her North American Colonies, and For promoting a general Reunion throughout the Whole of the British Empire* (London, 1775).

[55] A pamphlet entitled *A Plan to Reconcile Great Britain with Her Colonies and Preserve the Dependency of America,* by "Cosmopolite" (London, 1774), 21.

[56] A pamphlet entitled *A Plan of Reconciliation with America; . . . ,* 17.

mentary supremacy was to be upheld to the full.[57] But the need for union caused several to recall the proposals of the Albany Congress and to advocate a general colonial legislature.[58]

Remove the power to tax America, give the colonies freedom over internal government, and grant them security in their charters and natural rights was the advice of an "English-American." [59] He recommended the restoration of pre-1763 conditions and the establishment of a general convention of deputies from the colonies, who should have among other things one special purpose: "to keep a vigilant and careful watch over the designs and transactions of the British Ministry and Parliament, that so by an early watchword, it may prevent tyranny in its embryo; . . . ." [60] Desirous of reconciliation, but feeling that every contract carried mutual obligations, an anonymous writer declared truthfully:

> Charters are it is true sacred grants; but the due exercise of the power given by them, are equally to be observed, and there are a thousand instances, in which it was plain, that they looked on their charters as mere blank pieces of paper.[61]

An honest obstinacy refused to ignore American insolence and disobedience.

Allan Ramsay, pamphleteer of the Revolution, declared some body had to be supreme in government. Where could this supremacy rest but in Parliament? It was just to tax

[57] A pamphlet entitled *Proposals for a Plan towards a Reconciliation and Re-Union with the Thirteen Provinces of America, and for a Union with the Other Colonies,* By One of the Publick (London, 1778).

[58] See a Mr. Randolph's proposal, August 4, 1780, in Sackville MSS., 1780.

[59] His plan of reconciliation is found in the Fishkill *New York Packet,* April 4, 1776.

[60] *Ibid.*

[61] A pamphlet entitled *A Letter to Lord George Germaine, Giving An Account of the Origin of the Dispute between Great Britain and the Colonies; with some Remarks on the Manner in which the War has been conducted. To which are Added, Certain Terms, Humbly Proposed as a Ground-Work of a Reconciliation.* By a Gentleman, for Many Years a Resident in America (London, 1778), 55.

America; taxation and sovereignty were inseparable; Parliament was the sovereign power over the whole empire; and the colonies were not only a part of that empire, but constituted a national interest, "which it is the duty of parliament to regulate and manage." [62] No better statement of the Tory's theory of parliamentary supremacy could be made. Taxation was not only just; it was a duty. Nothing pleased him more than to sneer at the peculiarities of the colonists. He divided them into special classes, the first being composed of ten or twelve sensible demagogues, who, by glossing over their own designs with the guise of patriotism, led the people to ruin. Next were the men of better fortune, who, wishing not to be outdone and having a better claim for the honors of the country, joined the rebellion as the only road to power. The uninformed but well meaning, the conceited enthusiasts, the indifferent, the soldiers of fortune, those forced into opposition by want and need, and the moderate people who sincerely felt independence the only just solution completed his biased list. From such a group there were indeed small chances of a reunion. He sincerely accepted, however, the opinion prevalent in England throughout the American Revolution—that the best interests of both England and America demanded reconciliation.

One rather unusual plan anticipated a division of the thirteen colonies. The northern colonies were to unite with Canada; the middle group was to have a separate government; and the southern plantations from Virginia to the Floridas were to be the final unit.[63] Another plan called for independence for New England and retention of the southern colonies.

[62] A pamphlet entitled *A Plan of Reunion between Great Britain and her Colonies* (London, 1778), 169. First planned for publication in 1776, but not published until 1778. This pamphlet has been thought to have been written by Allan Ramsay.

[63] A pamphlet entitled *An Essay on the Interests of Britain, in Regard to America: or, An Outline of the Terms on which Peace may be Restored to the Two Countries* (London, 1780), 20–21.

Later, when the southern colonies had fully accepted British supervision, they could help England reconquer New England.[64]

Royal and parliamentary requisitions, voluntary grants by the colonies, parliamentary taxation, and renunciation of all expectation of revenue from America except through regulation of trade were some of the methods suggested for obtaining colonial contributions.[65] The opinion developed that however just a colonial contribution might be, England could not collect it peaceably; therefore, attempts to secure it should stop.

Probably the most enduring solution of the American question lay in a complete separation of the colonies from the mother country. The commercial value of America was seriously challenged. The material benefits to England would be just as great without restrictive laws to limit American trade to British channels.[66] Josiah Tucker warned the landed interests to let the colonies go, because no restrictive laws would insure a trade monopoly. Such a course would be less expensive, less likely to bring future wars, and more apt to preserve the constitution. All commercial intercourse with America would not cease after a separation.[67] While Tucker's proposal

[64] Plan of Charles Cochrane, a captain in the British army, of December, 1780, in the Clinton MSS., IV.

[65] See a plan formed in 1775 of pacification between Great Britain and America, found in a letter from John Lidderdale to Shelburne, April 7, 1782. Shelburne Papers, LXXXVII, 28.

[66] A pamphlet entitled *An Examination into the Conduct of the Present Administration, from the Year 1774 to the year 1778. And a Plan of Accommodation with America.* By a Member of Parliament (London, 1778), 63–64.

[67] Dean Josiah Tucker, *An Humble Address & Earnest Appeal to those Respectable Personages in Great-Britain and Ireland, who, by their Great and Permanent Interest in Landed Property, their Liberal Education, Elevated Rank and Enlarged Views, are the Ablest to Judge, and the Fittest to Decide, whether a Connection with, or a Separation from the Continental Colonies of America, be Most for the National Advantage, and the Lasting Benefit of these Kingdoms* (London, 1775), 62. See also, a pamphlet by James Anderson, *The Interest of Great-Britain with Regard to Her American Colonies, Con-*

did not imply a reconciliation, it helped to prepare the nation for an acceptance of proposals renouncing control of American commerce and probably facilitated the nation's humiliating concession of independence.

Some pamphleteers sensed the deeper issues at stake. The person who asked in 1775: Why should Britons kill Britons? [68] might, had he investigated far enough, have found the philosophical answer to his question in two pamphlets. The preface to one plan of accommodation in 1776 asserted, "The foundation of every government is some principle of passion in the minds of the people." [69] An ideal of freedom and self control was growing in America more rapidly than in England. When the course of events challenged this ideal so far as to put arms in the hands of the opposing factions, the power of argument was at an end; for, "The agitation of violent passions confirms more powerfully each of the parties in their first prejudices; and, until some great calamity or some great and unavoidable danger occasions a pause, the voice of reason will in vain endeavour to make itself heard." [70]

Throughout the Revolution, agents of the British government and other well-meaning but unauthorized individuals tried to confer with the rebel leaders, military and civil. While several colonial leaders doubted the ultimate success of the war, few of them ever went so far as to engage in treasonable

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sidered, To Which Is Added an Appendix, Containing the Outlines of a Plan for a General Pacification (London, 1782). Tucker in another pamphlet, *Cui Bono? or, An Inquiry, What Benefits can arise either to the English or the Americans, the French, Spaniards, or Dutch, from the Greatest Victories, or Successes, in the Present War? Being a Series of Letters, Addressed to Monsieur Necker, Late Controller General of the Finances of France* (Glocester, 1781), 7, acknowledges the similarity of Anderson's ideas to his own.

[68] A pamphlet entitled *Seasonable Advice, to the Members of the British Parliament, Concerning Conciliatory Measures with America; and an Act of Perpetual Insolvency, for Relief of Debtors: with some Strictures on the Reciprocal Duties of Sovereigns, and Senators* (London, 1775).

[69] *Thoughts on Government: Applicable to the Present State of the American Colonies* (Philadelphia, 1776), 6–7.

[70] Pulteney, *Thoughts*, 2.

correspondence with the enemy. In 1780, Benedict Arnold played a lone hand among them in his sacrifice of the American cause. However, British agents, seeking a point of approach and discussion, studied colonial leaders carefully as to character, economic interests, and political views. For example, Philip Skene, an agent of Burgoyne, wrote General Schuyler of his desire for a reunion and sought a conference in the belief that their minds agreed.[71] Schuyler replied that he could not open a correspondence with Skene, since Burgoyne was also present and of the proper rank for conference. He promised to confer through one of his officers if Burgoyne would appoint one of equal rank to meet him.[72] General Nathanael Greene rejected requests to cease hostilities and confer upon peace proposals and instructed his subordinates to do likewise unless Congress ordered otherwise.[73] Franklin received request after request in Paris to use his influence for reconciliation, but such incidental peace efforts merit as little consideration now as Franklin and his colleagues gave them in their day.

Owing to the King's absolute control of Parliament and ministerial reliance on coercion, every minority attempt at reconciliation was doomed to a miserable failure. Such efforts had not the slightest chance of success. A knowledge of them is significant for us, mainly, because they show how determined the government was to pursue its own policy and how ruthlessly it did so. They also illustrate the growth of a serious desire for a solution that would satisfy America. Men came to speak less of British humiliation in suing for a reconciliation from rebellious subjects and turned to the more practical aim of trying to regain the ground lost by realizing that the colonies had grievances, the redress of which demanded British sacrifice and concession. America heard of these minority

[71] Letter of July 19, 1777, in the Sackville MSS., VI (Supplementary).

[72] Letter of July 20, 1777, *ibid.*

[73] Letters to the President of Congress and General Wayne, May 21, 1782, in Nathanael Greene Papers (William L. Clements Library).

attempts and used the news to stimulate men to fight and to seek foreign aid. However, the rebel leaders must have felt relieved in the realization that such attempts could never evolve from the realm of discussion into that of reality.

CHAPTER VIII

RECONCILIATION AND THE FRENCH ALLIANCE

FROM the moment of her defeat in 1763 France renewed her efforts to crush England. She regained hope with the opening of the dispute between the American colonies and Great Britain and determined to aid in widening the breach between the two disputants as much as possible without incurring the risk of another war with England. The French government secretly dispatched agents to the colonies to report on the course of events and perhaps to give verbal encouragement to a few.[1] By 1775 the French ministry began to formulate a definite course of action concerning the rising American Revolution. The event most feared in France and against which they most carefully chartered their policy was a reconciliation between the colonies and the mother country. For the first three years of the war they gave only secret aid and moral encouragement. The chief purpose of this was to weaken England by prolonging the costly struggle, test the strength of the colonists, and make doubly certain that a reconciliation was beyond probability. It was extremely doubtful that France was motivated to any great extent by the principles of freedom and equality for which the colonists were ostensibly fighting.[2]

[1] In 1764 Monsieur de Pontleroy was sent to America and in 1767 Baron de Kalb. James B. Perkins, *France in the American Revolution* (Boston, 1911), 25–33.

[2] Claude H. Van Tyne plainly shows that France fought for revenge, humiliation of England, restoration of lost French prestige, commercial gain, and avoidance of an immediate war of both Britain and America against herself. *War of Independence,* in *The Founding of the American Republic,* 2 vols. (Boston, 1922–1929), II (1929), chap. xxiii, "Saratoga Leads to a French Alliance," 481–501.

In America the universal question in the minds of the radical leaders was: If they declared independence, would other nations come to their aid? [3] One argument ever urged in favor of the declaration, wrote John Adams, was that France and Spain could not deviate from neutrality as long as the "disruption between the mother country and the colonies should not be placed beyond recall. Hence it happened that independence and foreign alliances were terms almost always used in the same breath, and the second step was viewed as an inevitable consequence of taking the first." [4] One of the most important and inclusive resolutions in all history was that made in Congress by Richard Henry Lee on June 7, 1776. It called for the appointment of three committees to frame: a declaration of independence, foreign alliances, and articles of government.

The colonists felt the need of foreign assistance, but they were afraid of a binding alliance. Many thought it a mistake to join another power before the separation from England occurred. In March, 1776, John Adams wished only a commercial connection with France and flatly opposed a political or military alliance.[5] Though the argument that an alliance could not be expected until independence was declared was used to the utmost in accomplishing a separation, the radicals were not overenthusiastic about an alliance with France after July, 1776. The fact that a treaty was finally consented to in America may have been proof that the colonists had begun to lose confidence in their strength and to fear that reconciliation might become expedient.

All Europe knew how England had treated America and wished the proud "Empress of the Main reduced to a more humble deportment," [6] wrote Samuel Adams. As long as the

[3] Franklin to C. W. F. Dumas, December 9, 1775, in Smyth, *Writings of Franklin*, VI, 432–36.

[4] Charles F. Adams, *Works of John Adams*, I, 240–41. [5] *Ibid.*, II, 487–88.

[6] Article signed "Candidus," in Cushing, *Writings of Samuel Adams*, III, 264.

colonists considered themselves subjects of Great Britain that nation could treat them as rebels. Independence would lead to a natural deliverance, not a slaughter, and with its declaration maritime powers would aid America. He felt certain that France would cheerfully promote a separation and noted the great difference this course would make in the relative positions of England and France.[7]

Beyond doubt, the declaration of independence would help to bring foreign aid to the American cause. For this reason, wrote an Englishman, the ministry cultivated the friendship of the southern colonies, thereby hoping to create divisions, prolong the declaration for another year, and, by the successes anticipated in the campaigns of 1776, make it too hazardous for foreign powers to interfere.[8] The whole purpose of the Howe Commission, thought this writer, was to give the appearance to other nations that a reconciliation was evolving, prevent foreign recognition of American belligerency, and forestall alliances with the rebels. The ministry feared a declaration of independence more than anything else, because most European powers, especially France and Russia, had already informed England "that in such a case they shall think themselves entirely at liberty to act as best suits themselves." [9] The King was so determined on the execution of his policy of unconditional subjugation that, rather than retract it, he would risk the ruin of the whole empire.[10] Despite the bellicose attitude of the French populace, the British ministry relied upon the pacific assertions of the French government throughout the first months of 1777. In fact, of all European nations, wrote one Englishman, "the Dutch have done us more harm . . . for they have furnished the Rebels with everything necessary for carrying on the War, we had better treate

[7] Samuel Adams to Samuel Cooper, April 3, 1776, *ibid.*, 275–76.

[8] Extract of a letter from Great Britain, May 19, 1776, found in the Norwich, Connecticut, *Norwich Packet and Country Journal,* October 7 and 14, 1776.

[9] *Ibid.* [10] *Ibid.*

them as Enemys than as Friends. France I believe wait[s] to see the Event of this Campain ere they declare themselves, ..." [11]

The radical leaders in Congress understood the King's policy so clearly that they secured the adoption of the Declaration of Independence before Lord Howe's proposals even reached America. Moreover, the uncertainty of early 1776 made for universal dissatisfaction. The Declaration of Independence cleared the way, defined the issue, and accepted the challenge thrown out by the ministry in its policy of unconditional coercion. "We shall now see the Way clear to form a Confederation, contract Alliances & send Embassadors to foreign Powers & do other Acts becoming the Character we have assumed," wrote Samuel Adams. His life's greatest work was almost at an end, but he had experienced a delirium of joy common only to a few choice spirits.[12]

"Now, is the Time which should be exactly nicked by France, to undertake bringing about a great Revolution & humbling the Power of her natural Enemy," asserted William Bingham.[13] France was ever ready to take alarm at the least favorable appearance of British success. To silence any opposition that might arise, the ministry had maliciously spread false news of American defeats in the West Indies.[14] But he felt that as long as America retained courage and remained united defeat was unlikely. The committee of secret correspondence warned the American commissioners at Paris not to listen to proposals of accommodation from Great Britain inconsistent with independence and the treaties that might be made in Europe. The British court would instruct its ambassadors to employ every means to prevent European powers, especially France, from aiding the United States. The ministry

[11] George Cressener to William Knox, March, 1777, in the Knox MSS., III, 8.

[12] Samuel Adams to Joseph Hawley, July 9, 1776, in Cushing, *Writings of Samuel Adams*, III, 295.

[13] William Bingham to Silas Deane, August 4, 1776, in *The Deane Papers*, Connecticut Historical Society, *Collections*, XXIII, 30–31.

[14] William Bingham to Silas Deane, December 24, 1776, *ibid.*, 59–61.

knew that prospects of reconciliation would effectively prevent foreign interference; hence, without one serious thought of a genuine proposal, they would send conciliatory measures.[15]

In the early months of 1777 Lord Howe kept alive the issue of reconciliation by attempting to negotiate with members of Congress and with various individuals. In the latter part of the year Lord North let it be known that he would offer a genuine plan of conciliation sometime after Christmas. In opposition to Wilkes's motion to repeal the Declaratory Act, he asked why it called for the repeal of the laws passed only since 1763. Why not annul acts deemed injurious by the colonists, passed since 1662, as the navigation acts, post-office acts, slitting mill and hat manufacture acts "which assert, as strongly and as roundly as any subsequent law, the supreme power of this country to bind America in all cases whatsoever; . . . ?" [16] Such a statement was, however, not to imply his opposition to conciliation. If foreign or domestic causes for making concessions arose, he would co-operate in an effort for peace. Wilkes's motion failed by a vote of 10 to 160.[17]

Regarding conciliation of more importance than momentary expedience and angered at the government's using it as a political football, Burke declared Lord North in every way unqualified to make peace offers.[18] North had hoped the campaign of the last season would enable him to urge a conciliation upon the colonies "on true constitutional grounds." [19] When he knew the results of the campaign, he would move the consideration of concessions to America, but he still trusted that the government's "endeavours would prove effectual in bringing about a permanent peace and union between both countries." [20] These events greatly aroused France.

[15] Committee of secret correspondence to the American commissioners at Paris, December 21, 1776, in Stevens, *Facsimiles*, no. 1399.

[16] Speech of December 10, 1777, in *Parliamentary History*, XIX, 577.

[17] *Ibid.*, 589.

[18] *Ibid.*, 590–91.

[19] Speech in reply to Burke, December 10, 1777, *ibid.*, 592.

[20] *Ibid.*

French agents sent to America after 1763 reported that the time was not ripe for a Franco-American alliance and declared that attempts to secure one would lead to a war with England and an immediate reconciliation. This opinion held from that time until 1775.[21] The French ministry thought Britain's pacific intentions could be relied on only as long as her domestic difficulties continued. A reconciliation consistent with the dignity of England could be obtained only at French expense. The source of much needless apprehension lay in the many rumors spread in Paris of a possible Anglo-American peace and an immediate joint attack on France. Confronted with the necessity of choosing between England and France, would America choose the former, even at the expense of liberty, to avoid seeing France once more in Canada? [22] Recalling Chatham's vigorous policy in the Seven Years' War, France ever dreaded his return to power. Regardless of whether Chatham or Rockingham replaced Lord North, wrote Beaumarchais, the novelist and playwright, the crisis would end in war against France.[23] A fiercer struggle was being waged in London than in Boston. The royal proclamation of George III, however, pronouncing the Americans "rebels" reassured the French ministry in the belief that a reconciliation was unlikely within the duration of the North ministry.

In answer to the question: Would America declare independence, and if so, could she win it without aid from France? Vergennes's secretary, J. M. Gerard de Rayneval, wrote that the colonies sought more than a redress of grievances; they sought a complete separation. As without assistance they would probably be subdued, France at this juncture should

[21] For an excellent discussion of this point see Edward S. Corwin, *French Policy and the American Alliance of 1778* (Princeton, 1916), 43 *et seqq*. As late as April 6, 1773, Franklin predicted that a war between England and France would heal the breach with the colonies. Franklin to Joseph Galloway, April 6, 1773, in Smyth, *Writings of Franklin*, VI, 33.

[22] Corwin, *French Policy and the American Alliance of 1778*, 63 *et seqq*.

[23] Beaumarchais to Louis XVI, September 21, 1775, John Durand (ed.), *New Materials for the History of the American Revolution* (New York, 1889), 53–54.

secretly aid them to prevent England's retention of their commerce and markets. England was the natural enemy of France, and the colonies, now in open rebellion, sought aid to insure success.[24] An alliance of France with the independent United States would restore the balance of power, divide England's attention by leaving her Canada in North America, and make America the joint protector of the French West Indies. Gerard believed the colonies would have a more liberal system toward enemies and neutrals during naval warfare than would Great Britain. France's power would expand with the possible recovery of lost territory and with England's irreparable loss of commercial supremacy.[25] The humiliation of England; the extension of French commerce, shipping, and fishing; the insured possession of French islands; and the re-establishment of France's reputation were objects worthy of achievement.[26]

During 1775, the French ministry decided to exert every effort against a reunion of the American colonies with Great Britain, but it carefully sought to aid them without incurring needless injury to France. While they could furnish supplies and currency, it would be tantamount to a declaration of war for the French navy to defend the rebel cause. Without compromising herself by unwise delay and inactivity, France prepared to strike decisive blows when the time was ripe, but she studied colonial intentions to avoid the humiliation of a reconciliation after the offer of French aid and recognition.[27]

In August, 1775, Vergennes sent Bonvouloir [28] to America

[24] Gerard's "Reflexions," in Stevens, *Facsimiles,* no. 1310. [25] *Ibid.*

[26] *Considerations upon the necessity of France declaring at once for the American Colonies even without the concurrence of Spain,* an unsigned pamphlet dated January 13, 1778, *ibid.,* no. 1835. This is similar to earlier papers of Vergennes.

[27] Gerard's "Reflexions," *ibid.,* no. 1310.

[28] Henri Doniol, *Histoire de la Participation de la France à l'Etablissement des Etats-Unis d'Amerique, Correspondence Diplomatique et Documents,* 5 vols. (Paris, 1886–1892), I, 510. Spain sent agents to America to report constantly on all possibilities of a reconciliation. See Kathryn Abbey, "Efforts of Spain to Maintain Sources of Information in the British Colonies before 1779," in *Mississippi Valley Historical Review,* XV (1929), 56–68. This is cited in Samuel

to travel as a private individual, collect impressions, and confer with certain prominent leaders to whom he could say that France admired American efforts for liberty, had no desire to regain Canada, and welcomed American merchantmen in French harbors. In reporting good prospects he confirmed Vergennes's idea of the military competence of the colonies and gave him the information needed to shape his policy of secret aid.

With doubtful accuracy, Vergennes asserted his inability to say whether France and Spain would prefer to have America defeated or independent. Either event threatened dangers not within human foresight to prepare for or to prevent.[29] A continuation of the revolt would exhaust both sides—a desirable result for France. Through reconciliation the British might efface their shame by giving the colonies the commerce of the French and Spanish colonies and islands. On the other hand, the independent colonies might dispose of their surplus by forcing an outlet for their trade in the sugar islands and in Spanish America, "which would destroy the ties which attach our colonies to the mother country." [30]

A conciliation or subjugation of the colonies would make the West Indies an easy prey of Great Britain and nullify all hope of peace for France. Now was the time to humiliate England, struck with a providential blindness "which is the most certain precursor of destruction, ..." [31] The coming campaign between the belligerents ought to be as vigorous as possible, while France should secure some advantages for the

F. Bemis, *Diplomacy of the American Revolution, The Foundations of American Diplomacy, 1775–1823* (New York, 1935), 87.

[29] Vergennes, "Considerations on the Affair of the English Colonies in America," March 12, 1776, in Stevens, *Facsimiles,* no. 1316. Gerard's "Reflexions" was not dated, but evidence appears to the effect that it was written after Vergennes's "Considerations" of March 12, 1776. See John J. Meng, "Secret Aid to the American Revolution," in *American Historical Review,* XLIII (1938), 791–95.

[30] Vergennes, "Considerations," March 12, 1776, in Stevens, *Facsimiles,* no. 1316.

[31] *Ibid.*

Americans. At present, however, her participation should be "limited to a circumspect but active foresight." [32] France should neither compromise herself by provoking undesired evils nor flatter herself by believing the most absolute inaction would insure her from all suspicion. The war should continue for another year to give employment to the British troops then going to America, discover whether a reconciliation might be effected, weaken England, and give time for the uncertainty of the moment to clear away. This would allow France to act with greater confidence and, though not mentioned in the "Considerations," would give more time to persuade the French and Spanish kings that their true interests demanded the humiliation of England.[33]

The most effective way to prolong the war was to keep Britain assured of the pacific intentions of France and Spain and to allow her to embark on a brisk and expensive campaign. Meantime, France encouraged the Americans by secret aid and vague hopes "that would prevent the steps which it is sought to induce them to take for a reconciliation, and that would contribute to cause those ideas of independence to burst forth, which as yet are only secretly budding amongst them." [34] War hatreds would embitter their minds and make them all the more furious. Though Britain won, she would long need all her strength to crush the spirit of independence and stifle colonial efforts to recover lost liberties.

At present France should accept no compact with the colonies. Any agreement would be of value only in case of American independence. A temporary compact might prevent the Act of Navigation from becoming the basis of a reunion with

[32] *Ibid.*

[33] In spite of his every effort, Vergennes was never able to convince the obstinate but clever Florida Blanca, chief minister of Charles III, that it was to the advantage of Spain that Britain and America never again become reunited. See the excellent account of Vergennes's efforts in Frank Monaghan, *John Jay* (New York and Indianapolis, 1935), 133–40.

[34] Vergennes, "Considerations," March 12, 1776, in Stevens, *Facsimiles*, no. 1316.

the mother country. The supreme desire of France was to destroy England's monopoly of American trade—a basic factor in raising Great Britain to her position of supremacy. If France aided the colonies, she should seek no return beyond the political objective of the moment and leave any further rewards to the course of events. Nevertheless, it should not be forgotten that "a too marked apathy in the present crisis will be interpreted as the effect of fear. . . ." [35]

Turgot, the great minister of finance, though realizing the danger of a sudden reconciliation, opposed the "Considerations" because the policy therein set forth would bring France into war and reduce further the low state of the nation's finances. What difference did it make whether England subdued or freed the colonies? Subdued, they would distress her by their desire to be free; freed, their changed commercial system would keep England busy obtaining for herself the benefits of the new system. A French attack on England would be the signal for an immediate reconciliation. He would allow the Americans to procure munitions and money through trade, but he thought the government should maintain a strict neutrality by giving no direct aid.[36] Soulavie, the French author, deplored the fact that the cause of reform, retrenchment, and right had no chance in a selfish court against a program of revenge, glory, and humiliation. Even such liberals as Lafayette preferred to shed blood for liberty abroad rather than devote their lives to the redress of grievances at home.[37]

France and America anxiously awaited the events of 1777. Meanwhile, America lost no opportunity to urge upon France its need of assistance and the benefits of an alliance. Extremely apprehensive of all developments, English and French spies watched proceedings with doubled attention. France would

[35] *Ibid.* See Doniol, *Histoire,* I, chap. viii, *"Considérations sur la Conduite a Suivre,"* 265–92.

[36] Reply of April 6, 1776, in Doniol, *Histoire,* I, 281–83.

[37] Corwin, *French Policy,* 77–78.

consent to an alliance with America only as a last resort to prevent a reconciliation, and England would make no genuine peace offers until reasonably certain of a French alliance with the insurgents.

During 1777 French spies closely followed the secret efforts of the British ministry to negotiate with Franklin for a reconciliation. The chief importance of these efforts lay not in the offers actually made but in the effect they had and the use both sides made of them. Seeking a last ray of hope, the British ministry sounded Franklin on the probability of a reunion. Perhaps these attempts illustrated the rapidly dawning consciousness of North's government that the colonies were slipping from British control. His anxiety to find an acceptable solution arose from the desire to save Britain's own face as well as to regain America. If France would but profit by this situation, she might become the most powerful kingdom on the globe—trade, raw materials, markets, and all the advantages enjoyed by England were at her disposal.[38]

Beaumarchais wrote Vergennes that negotiations unknown to him were going on. The British ministry was doing everything possible to make Silas Deane odious to England because it considered him a formidable obstacle to every plan of reconciliation and desired to get him out of France at any price.[39] If the rumor of a reunion spread by Lord Stormont, the British ambassador to the French court, were true, it was already too late to help America. Deane, however, stated emphatically that Stormont's assertion was "not the truth, it is pure Stormont." [40] Beaumarchais tired of the common reitera-

[38] William Bingham to Silas Deane, February 28, 1777, in *The Deane Papers*, Connecticut Historical Society, *Collections*, XXIII, 77.

[39] Beaumarchais to Vergennes, March 22, 1777, in Stevens, *Facsimiles*, no. 1489.

[40] Beaumarchais to Vergennes, April 15, 1777, in Stevens, *Facsimiles*, no. 1517. Lord Stormont spread so many rumors of American submission that French society facetiously dubbed them "Stormonts," a polite word for a lie. Charles E. Hill, *Leading American Treaties* (New York, 1922), 9.

tion that reconciliation was too late or too soon. Yet, he wondered if he should continue to cheer Deane and his colleagues when he himself had almost lost hope.

He bombarded Vergennes with warnings and information, his zeal and enthusiasm for the cause of the colonists sometimes leading him to exaggerate an incident or argument for the sake of effect. From a position of relative obscurity he leaped into the foreground among those Frenchmen who fought in France for the cause of America. "If you knew how the English are secretly pressing for a reconciliation," he wrote, "you would certainly hasten to deliver to me my artillery, in order that I might give my friends the satisfaction which alone can turn away their hearts from English solicitations." [41] Again, he noted with alarm that one of Germain's agents, in Paris seeking reconciliation, was promised the "most superb reward" if he won over Deane and Franklin.[42] The French government had flattered America too much with hopes of an alliance. "If they are deceived on this wished-for point," warned Beaumarchais, "if you do not reply plainly to the question which will soon be put to you on this subject, peace will be decided on with England, and promptly concluded." [43] Although averse to a reconciliation, Silas Deane agreed that without foreign aid it was inevitable.[44]

Vergennes challenged the rumor that Britain had sent three agents to America to effect a conciliation; such an important step could not have escaped the attentive "eyes of the nation." For proof, however, he wrote Noailles, French ambassador at London, that he relied on his "vigilance to find out the foundation, less or more, there is for this report." [45] Faced by an

[41] Beaumarchais to Vergennes, February, 3, 1777, in Stevens, *Facsimiles*, no. 1423.

[42] Beaumarchais to Vergennes, March 8, 1777, *ibid.*, no. 1447.

[43] Beaumarchais to Vergennes, March 9, 1777, a conclusion to the letter of March 8, 1777, *ibid.*

[44] Deane to Beaumarchais, March 27, 1777, *ibid.*, no. 1498.

[45] Vergennes to Noailles, August 23, 1777, *ibid.*, no. 1655. His reply made no reference to the rumored peace agents, but stated that if America was not

unaccredited agent of the British government who warned France to return all British prizes brought into French ports by American vessels, Vergennes jumped to the defense of the rebels and protested vigorously against compliance with such a demand. To do so would be to stigmatize the American privateers and their countrymen as pirates and robbers, arouse resentment in America, and lead to an immediate reconciliation. For the sake of Spain's treasure fleet coming from Mexico, the King could make some concessions to England by not allowing any more privateers to enter French ports and by sending away those already there.[46] As the year ended, the French ministry became increasingly alarmed and doubled its efforts to keep abreast of events. Franklin and his colleagues urged an immediate alliance and military assistance.

Vergennes sent a memoir to the King, July 23, contending that the moment had come when France must determine to abandon or aid America. He took this opportunity to make an eloquent plea for a close alliance. The chief question was: Did Spain and France dare to allow a reconciliation? Those nations could not possibly be indifferent to that question. The day of secret aid was over, for it could no longer prevent a reconciliation. England was charging, with some success, that the aim of France was the destruction of both herself and America. French aid must be sufficient to assure a complete separation of the colonies from Great Britain. Though open assistance meant war, it was unavoidable; England's failure to reduce the colonies in the present campaign would lead to a reconciliation and a combined attack on France.[47] He told

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forced to accept proposals of reunion and France finally recognized her independence, "from that moment the Colonies would be irretrievably lost to England." Letter to Vergennes, November 21, 1777, *ibid.*, no. 1743.

[46] "Paper read to the King concerning the Admission of American Prizes and Privateers into French Ports," August 23, 1777, in the hand of Vergennes, *ibid.*, no. 706.

[47] "Memoire Communique au Roi le 23 juillet 1777 et approuve le meme jour par Sa Majte," Doniol, *Histoire*, II, 460–69.

Louis XVI that North threatened retaliation against France to compromise her with the Americans, facilitate a reconciliation, and retard the preparation of France for the security of her possessions in America.[48]

These arguments won Louis XVI's promise to loan the colonies three million livres on condition that they enter no negotiations with England without the consent of France.[49] While waiting for the treasure fleet from Mexico, France and Spain were to send agents to warn the colonies of the necessity of European as well as British recognition of their independence. Treaties of amity and commerce with the powers most interested in seeing the colonies free and prosperous would best establish permanent freedom. Vergennes was suspicious of the American commissioners for refusing any relationship with Spain and France unless they consented to war. They attempted, so it appeared, to interest France in the American cause while trying to compromise her with England. They should realize that independence without European recognition would lack security.[50]

The French ministry still believed a desire for reconciliation existed in America and instructed Holker, one of the agents sent to America, to find out whether Congress would maintain the independence of the colonies, examine the attitude of the local assemblies, study the effects of the war on the colonial mind, and discover how long the war might continue. Vergennes wished to know what divisions existed in the American Congress, what the claims of the various parties were, what means they had of achieving their ends, what groups were discontented or attached to England, and what offers "the English Government has made, or might make,

[48] Vergennes to Marquis D'Ossun, French ambassador in Spain, September 19, 1777, in Stevens, *Facsimiles*, no. 1690.

[49] [Comte de Vergennes] to Marquis D'Ossun, October 3, 1777, *ibid.*, no. 1711, and also of November 7, 1777, *ibid.*, no. 1737.

[50] Vergennes to D'Ossun, August 22, 1777, Doniol, *Histoire*, II, 500-03.

to restore the Colonies to their old connection with England." [51]

Meanwhile, the colonies slowly advanced toward their goal. On October 17 Burgoyne surrendered his army to General Gates. This American victory had a profound influence on Europe.[52] It brought England to its senses and convinced the ministry that genuine concessions must be hurried to America if the colonies were to be retained. At the news of Saratoga, Chatham lamented that America "*was* indeed the fountain of our wealth, the nerve of our strength, the nursery and basis of our naval power." [53] Beaumarchais wrote with evident pleasure that this amazing defeat had put England in a "sweat"; London denounced the North ministry; Ireland prepared to rise up in arms; and secret councils multiplied. Truly discouraged, Great Britain would now grant independence as the only means of escaping destruction. It was high time for France to act, because the power first to recognize American independence would reap all the benefits.[54] Vergennes agreed.[55]

Burgoyne's surrender hastened the French alliance and insured more liberal terms to America than otherwise would have been granted. The French ministry had come to the point where they might effect an actual political alliance if they were fairly certain that England meant to offer another conciliatory proposal. They warned Noailles to watch all

[51] Verbal Instructions to Holker, given November 25, 1777, in Stevens, *Facsimiles,* no. 1748.

[52] John Adams said the victory at Saratoga was the turning point of the struggle; "It determined the wavering counsels of France to an alliance, which, in its turn, baffled Lord North's last scheme of conciliation by sending commissioners, and filled him with despair. From this date he was no more a responsible minister, ..." Charles F. Adams, *Works of John Adams,* I, 271.

[53] Speech of November 18, 1777, in *Parliamentary History,* XIX, 365.

[54] Beaumarchais to Vergennes, December 11, 1777, in Stevens, *Facsimiles,* no. 1768.

[55] Vergennes to Montmorin, French ambassador to Spain, December 11, 1777, *ibid.,* no. 1769.

movements made by the British, because "a change in the Ministry or a hasty arrangement with the Colonies may unexpectedly change the aspect of affairs." [56] The hawklike watch had to continue. The colonies, wearied by the war and European indifference, might consent to waive the name of independence, which so much irritated the pride of George III, if England would give them the substance. Vergennes was in constant fear that the impending conciliation would result in a joint attack on France.[57] Noting that Lord Germain, at his wit's end, was sending his secretary to Paris to treat with the Americans, he asked the Spanish King what answer should be given the colonial commissioners should they ask for advice: "If we dissuade them from listening, what shall we give them as an equivalent? Would it not be time to enter the breach and make an engagement?" [58]

The British ministry at the same time tried to disguise from the French the decisive nature of Burgoyne's surrender by assuming an exultant tone over Howe's capture of the American capitol and Washington's defeat at Brandywine,[59] and by feigning indifference to any alliance which might be formed between America and France. George III feared nothing from either France or Spain, for he had well-chosen and capable advisers in Parliament to whom he would always listen.[60] Lord Stormont wrote that officers just returned from America agreed that the colonies were in such a wretched condition they could not continue the war without European aid.[61] British emissaries, sent to watch the American commissioners, advised them not to be the dupes of France, but to unite with England. When a member of the

[56] Vergennes to Noailles, November 29, 1777, *ibid.*, no. 1749.

[57] Vergennes to Montmorin, December 11, 1777, *ibid.*, no. 1769.

[58] Vergennes to Montmorin, December 13, 1777, *ibid.*, no. 1776.

[59] Vergennes to Montmorin, December 11, 1777, *ibid.*, no. 1769.

[60] Noailles to Vergennes, December 12, 1777, *ibid.*, no. 1772.

[61] Stormont to Weymouth, British Foreign Secretary, December 24, 1777, *ibid.*, no. 1798.

British Parliament tried to enlist the aid of Chaumont, a French contributor of supplies and money to the colonies, in negotiating with Franklin, Vergennes advised him to refuse. However, if the Englishman insisted, he might obtain some secrets by discovering the intentions of North.[62]

Franklin increased the confusion existing in both the English and French courts. Elated with rebel success, yet aware that independence was still to be won, he industriously spread the most exaggerated accounts of the favorable position of his country and hinted broadly at a peace England would soon make with the United States. As long as the rebels held Philadelphia, Congress would not have yielded the "darling Idea of Independency," but now that their capitol had been lost they might "relinquish it (independency) and make Peace on fair and honorable Terms which Franklin himself would not be averse to."[63] If true, Franklin may have wished to give the British ministry some confidence that adequate proposals if made would be accepted. The impression of genuine offers would have forced more liberal terms from France in the alliance then being secretly negotiated. He may have sincerely feared that an alliance based on unsatisfactory terms would be rejected in America.

The Count D'Aranda, Spanish ambassador in France, clearly understanding the situation, wrote: "It is a very smart stroke of the English Ministry to facilitate the reconciliation with the insurgents, to maintain their own places, to gain the heart of the nation and to remain afterwards at liberty to take another course—against whom?—You will guess."[64] An enlightened compromise with America would have forced the resignation of the North ministry, but the combination of a reconciliation and an increased force merely increased

[62] A certain Mr. Mayne was the Englishman. See correspondence between Vergennes and Chaumont of December 18 and 19, 1777, *ibid.*, nos. 1783, 1784, and 1786.

[63] Stormont to Weymouth, December 6, 1777, *ibid.*, no. 1759.

[64] D'Aranda to Vergennes, December 24, 1777, *ibid.*, no. 1794.

the confusion.[65] Though unable to predict the course of England toward France and the colonies, the French ministry realized in December, 1777, that an immediate and open declaration in behalf of the United States was necessary.

The time for hesitation had passed; "there remains hardly any [time] for a decision. The moment is decisive," Vergennes asserted.[66] France could forestall England by acting before January 20, 1778, the date for the reconvening of Parliament. But if that specified time passed without France having taken "precautions, the British Ministry, . . . may cut us out, and leave us nothing but useless regret at having wantonly lost the most fortunate opportunity which Providence ever offered to the House of Bourbon." [67] He was alarmed at France's inaction and wished to avoid future condemnation for allowing to escape "the only opportunity which may perhaps happen for many centuries for putting England in its true place." [68]

Comparing France's slowness in agreeing to an alliance with England's energetic pursuit of reconciliation, Vergennes faced the new year in a gloomy mood. Certain mysterious negotiations being carried on by North's henchmen worried him; [69] old doubts once again assailed him: "I am very certain that they are negotiating briskly; I see proposals most eagerly listened to, and I am afraid." [70] The chief reason for the delay of France in forming an alliance with the colonies was Louis XVI's refusal to give his consent. Wishing to avoid trouble with Spain, he obstinately declined to risk alone a war with England. Vergennes favored a policy which guarded the interests of France without making Spain a fundamental factor. The encroachment of the colonies on Spanish possessions was "far from proving that this revolution would be

[65] Noailles to Vergennes, December 26, 1777, *ibid.*, no. 1803.

[66] Vergennes to Montmorin, December 27, 1777, *ibid.*, no. 1805.

[67] *Ibid.* [68] *Ibid.*

[69] He was informed of these negotiations by Franklin's landlord. Vergennes to Montmorin, January 8, 1778, *ibid.*, no. 1827.

[70] *Ibid.*

prejudicial to France! I make an exception of the obligations included in the family pact." [71]

During 1777 the friends of America had to persuade Spain as well as France to gain an alliance with either. They could not promise Spain great commercial benefits in return for an alliance, but they stressed the argument that a reconciliation would make Great Britain supreme. It was, therefore, to the interest of Spain to weaken England and "clip her wings and pinion forever." [72] To this argument Spain replied:

> You have considered your own situation and not ours. The moment is not yet come for us. The war with Portugal,—France being unprepared, and our treasure from South America not being arrived, makes it improper for us to declare immediately. These reasons will probably cease within a year, and then will be the moment.[73]

France should not rush its recognition of American independence. England could not grant it without an act of Parliament, and unavoidable delays would give Spain more time to decide her course. "What is highly important," wrote the Count D'Aranda, "is that your information from England should arrive daily, if possible; because, the fire being in London, it should serve us as a thermometer to forecast the storms which are brewing." [74] The King of Spain would consent only to give secret financial aid to the colonists, "provided they conduct themselves with fidelity and precaution; . . . . " [75] After the Spanish treasure fleet had returned, however, Spain would demand a redress of grievances from England—an act portent of war.[76]

Tired of secret aid and Spanish delay, the French ministry

[71] Gerard's "Reflexions," Doniol, *Histoire,* I, 245, 274.

[72] Memorial presented to the Court of Spain, March 8, 1777, by Arthur Lee, in Sparks, *Correspondence of the American Revolution,* II, 41.

[73] Reply of the Marquis de Grimaldi to the above Memorial, [n.d.], *ibid.,* 44.

[74] D'Aranda to Vergennes, December 10, 1777, in Stevens, *Facsimiles,* no. 1765.

[75] Blanca to Montmorin, December 23, 1777, *ibid.,* no. 1790.

[76] Montmorin to Vergennes, December 23, 1777, *ibid.,* no. 1791.

felt assured of Spain's assistance if it became necessary. Vergennes declared American independence ten times more advantageous to Spain than to France. England cared little for French islands but desired Spanish treasure. "If, against all expectation," he added, "we disdain or neglect the most important juncture which Heaven could offer, the reproaches of the present generation and those of posterity will for ever accuse our culpable indifference." [77] He advocated a bolder policy, for he now believed England would yield absolute supremacy over the colonies for a sort of "family compact, that is to say a league against the House of Bourbon." [78] "If the King adopts the course of going forward without the participation of Spain," ran the new and bolder policy of Vergennes, "he will take away from that Power all just reason for complaint, by stipulating for her eventually all the advantages which she would have claimed, had she been a contracting party." [79]

A French attack on England, according to the Spanish court, would only precipitate reconciliation, the very danger Vergennes sought to avoid. Quite accurately, Blanca insisted that "the reconciliation of England with her Colonies is not the affair of a day, and that some time will elapse before it can be brought about." [80] This argument did not lessen the nervous apprehension of the French court over what Lord North might propose on January 20. The disagreement between France and Spain over an alliance with America had to be kept secret from England lest it prove France had not yet signed an alliance, and thus delay Britain in carrying out her conciliatory plans.[81]

[77] Vergennes to Montmorin, December 13, 1777, *ibid.*, no. 1775.

[78] A paper entitled *Considerations upon the necessity of France declaring at once for the American Colonies even without the concurrence of Spain,* January 13, 1778, *ibid.*, no. 1835.

[79] *Ibid.* [80] Montmorin to Vergennes, January 5, 1778, *ibid.*, no. 1821.

[81] Paper submitted by Vergennes to Louis XVI on January 7, 1778, in answer to the decision of the Spanish court on December 23, 1777, *ibid.*, no. 1824.

Many Americans, including Franklin, Vergennes reported, were trying to fix as a basis of their new political system "that no engagement be contracted with the European Powers." [82] He told Louis XVI that if the United States won their independence without French assistance, they would think an alliance unnecessary to maintain their freedom. France could wait no longer to aid America openly.

The American commissioners in 1777 found it difficult not only to negotiate with the French court, but also to receive any reassurance when they did. Their presence in Paris created a growing speculation as to the prospects of reconciliation. The atmosphere seethed with startling rumors of pending agreements between representatives of the British government and the American commissioners.[83] Even Franklin's letter to Lord North concerning the treatment of American prisoners met open condemnation as a pretext for corresponding with the English ministry.[84]

To avoid making Vergennes skeptical the American commissioners ceased using reconciliation as a threat to obtain immediate aid. Such an event, they now declared, would be the result of despair. They assured both Spain and France that they were ignorant

> of any Treaty on foot in America for an Accommodation, nor do they believe there is any: Nor have any Propositions been made by them to the Court of England, nor any the smallest Overture received from thence which they have not already communicated; the Congress having the fullest Confidence in the Goodwill and Wisdom of these Courts, & having Accordingly given as Orders to enter into no Treaty with any other Power inconsistent with the Propositions made to them, if those Propositions are likely to be accepted: and to act with their Advice and Approbation. And the Commissioners are firmly of the Opinion, that nothing will induce the Congress to accommodate on the terms of an exclusive Com-

[82] *Ibid.* [83] Corwin, *French Policy*, 98–99.

[84] Noailles to Vergennes, December 23, 1777, in Stevens, *Facsimiles*, no. 1793.

merce with Britain; but the despair of obtaining effectual Aid and Support from Europe.[85]

Franklin thought Deane's proposal to demand a positive reply from France a confession, unlikely to win the least sympathy, of an inability to carry on without aid. He not only believed it untrue, but feared France might construe such a statement as a threat and, in despair or anger, abandon America.[86]

Not until December 6, 1777, was Louis XVI ready to listen to the proposals of the American commissioners. Recent circumstances had made it possible for him to consider the American propositions, but not publicly to recognize independence. French recognition still depended on the Spanish monarch. Vergennes urged the American deputies to keep even this slight concession secret and advised them to confide in no one but the President of Congress.[87] The instability of the American government and Spanish hesitation prevented open assistance. In his first formal conference with the agents of the United States, Vergennes promised the continuation of secret aid and talked freely concerning Franco-American relations, but with the understanding that nothing was to be expected from such frank conversation.[88]

When the deputies told Vergennes that they desired only a simple treaty of friendship and commerce, he replied that an isolated peace with England could not endure, and declared that as long as that power "kept a foot on the conti-

[85] Memorial prepared September 25, 1777, for Spain and France, *ibid.*, no. 149. Supplemental Observations, *ibid.*, no. 150. Document sent to Lord Suffolk by British Spy, Paul Wentworth, *ibid.*, no. 182, and quoted by Pownall on the floor of Parliament, in *Parliamentary History*, XIX, 930 *et seqq*. Estimate by Wentworth, Stevens, *Facsimiles*, no. 267. The above quotation found in *ibid.*, no. 1698.

[86] Incident of November 27, 1777, referred to in Arthur Lee's "Journal" in R. H. Lee, *Life of Arthur Lee, LL.D.*, 2 vols. (Boston, 1829), I, 354.

[87] A statement in the writing of Vergennes, December 6, 1777, marked "approved" by the King, in Stevens, *Facsimiles*, no. 1762.

[88] Vergennes to Montmorin, December 13, 1777, describing the conference held on the 12th, *ibid.*, no. 1774.

nent, . . . they must not expect cloudless tranquility; that England only approached them in order to sow division, foment discontent, and make trouble in their rising republic; in short, to destroy it by its own dissentions." [89] Aware of this, the deputies wished to eliminate England from the continent. Vergennes thought the proposed commercial treaty and colonial opposition to reconciliation highly satisfactory. However, the American deputies "give it to be understood clearly enough that if they do not soon have a sufficiently respectable support to present, they may possibly be forced by the people into measures with the Power with whom they should most fear any connection." [90]

Vergennes appeared to fear that the British government might forestall French efforts by an offer of terms more liberal than had before been granted.

> How can we flatter ourselves that the glimmer of hope which I held up before the eyes of the American Deputies yesterday will counterbalance such real and seductive offers. I will not conceal from you, Sir, that the issue makes me tremble, and that I bitterly regret at least 20 days will elapse before we can do anything whatever in so pressing a matter.[91]

At this critical moment, France had already fully decided upon her own course and only awaited Spanish sanction. Vergennes wished to join America without waiting for Spain. While Spain could enter an alliance later, France could not delay. In the inevitable war with England it would be better to have the Americans aiding France than England. If French neglect forced the colonies to listen to "seductive proposals," England would retain her undeserved supremacy. Diligent as France was, the insidious offers of the British ministry might counterbalance the French assurance of good will. A deeper motive then appeared: "Even if we gain nothing but the prolongation of the English negotiation, and secure its dragging through the coming campaign, this would still be

[89] *Ibid.* [90] *Ibid.* [91] *Ibid.*

gathering a reward for our efforts, since we should to that extent wear them out." [92]

The French government preferred America's subjugation to a reconciliation based solely on the nominal recognition of the British monarch. Though the British peace commissioners could only grant pardons, their powers might be extended to produce the unforeseen effect of giving back to England, "if not children, at least brothers, who, in this capacity, might still be very hurtful to us." [93] It would be tragic to allow England to precede France in the recognition of American independence. A reunion would make France the laughing stock of all Europe, cause a disastrous war, and result in her total loss of all investments in America.[94] It seems extremely doubtful, however, that a united attack would have at once been made on France, since both countries were too badly in need of recovery to proceed immediately into a war of revenge.

The ruse of a combined attack on France, intended largely to influence Spain to join France, failed. The restless anxiety which precedes action now possessed the French ministry. A sense of humiliation, disappointment, and inevitable failure seemed to agitate Vergennes, especially when he was conferring with Spaniards. If America were allowed to slip back into the hands of Britain, he could hardly survive "the shame of signing the passport which these Deputies would have to ask me for in order to go to London." [95]

The ties of blood, language, and inheritance, recently emphasized in speeches in Parliament and in various letters and conversations, might be instrumental in effecting a reconciliation. Even Burgoyne's officers wept with emotion and grati-

[92] *Ibid.* [93] Noailles to Vergennes, December 23, 1777, *ibid.*, no. 1793.

[94] Private Memorial for the King's Ministers written by Beaumarchais, 1778, *ibid.*, no. 1814. Believing war with England inevitable, France formed the alliance to deprive England of American assistance. Claude H. Van Tyne, "Influences Which Determined the French Government to Make the Treaty with America, 1778," in *American Historical Review*, XXI (1916), 528–41.

[95] Vergennes to Montmorin, January 8, 1778, in Stevens, *Facsimiles*, no. 1827.

tude at the "noble behavior of the Americans with regard to them." [96] The tears and cries of his people would break the iron will of George III. Could America refuse a peace forced on the King by his people, especially when "they know that the enemies whom they had in the Administration are obliged to give way or retire?" [97] In reality America was fighting not against the people of Great Britain but a cruel and unjust ministry. Englishmen of both countries could unite under a free confederation, based on the principles of the Great Charter. There would be no permanent humiliation to America in having been vanquished by fellow Englishmen; the war could teach the people of both countries to know each other better and hence enable the formation of a permanent and glorious empire. France had placed too much confidence on the hatred existing between the two nations. Beaumarchais insisted:

> And I, sceing that they have never been so near being reconciled, I return to the charge repeating:—Promptly enchain the Americans by a treaty; seize the last moment at which they can still say with noble pride; France has been the first to honour our successes by treating with us on an equal footing; it is not inability to conquer us which attaches her to us, it is esteem and gencrosity.[98]

About the middle of January, 1778, the French court received assurances that peace offers then being made to the American deputies would not induce them to cease negotiations for a French alliance. In formal conference they told Gerard, an advocate of the alliance and first French minister to the United States, that a treaty of commerce and alliance would prevent a reconciliation short of absolute independence.[99]

Louis XVI would not yet publicly announce a "decisive

[96] Beaumarchais to Maurepas, chief minister of Louis XVI, January 9, 1778, *ibid.*, no. 1829.

[97] *Ibid.* [98] *Ibid.*

[99] Gerard's account of his conference with the American agents, January 9, 1778, *ibid.*, no. 1831.

course," but asked the deputies to trust his good will. At present he must consider the immediate necessity of thwarting all British efforts to seduce them "by the bait of a false peace and a mutilated or precarious independence; . . . ." [100] He felt that England realized America had won its independence and would try to secure exclusive commercial benefits from the new nation. This conference intended primarily to stop negotiations between England and America, end the prevalent mutual distrust and uncertainty, and determine with the deputies what the occasion demanded. At this point Gerard withdrew to allow the American commissioners to form an answer. On his return, Franklin read a statement "to the effect that *the immediate conclusion of a treaty of commerce and alliance would induce the Deputies to close their ears to any proposal which should not have as its basis entire liberty and independence, both political and commercial.*" [101] Gerard replied that the King would consent if the treaty of commerce and alliance were separate.

Although this conference was a disappointment to Franklin, a few days later the American commissioners sent a memoir to Gerard stating more definitely the terms necessary to prevent reunion.[102] France should guarantee the present possessions of Congress in addition to others that might be acquired during the war and either agree to enter into a war against England or to supply Congress with enough money to secure a safe peace and to conquer all British possessions in America. The fisheries should be secured to the United States and their allies. An additional statement suggested that a French or Spanish fleet would end the war sooner. The obstinacy of the Americans not only failed to reassure Vergennes, but caused further confusion.

Their first word, when I caused them to be sounded, and they have not yet altogether retracted it, was that only an immediate war

[100] *Ibid.* [101] *Ibid.*

[102] [N.d.], *ibid.*, no. 776. See Hill, *Leading American Treaties*, 13.

could make them engage to come to no arrangement with the mother country without our consent.[103]

It took two weeks to agree upon the details of the two tentative treaties which Gerard gave the American commissioners on January 18. Meanwhile, Vergennes urged Noailles to inform him of the plans of the British ministry and especially "what direction it has given to its plan of peace." [104] Would they abolish the Navigation Act and grant America all but independence?

The Franco-American treaties of amity and commerce [105] were signed February 6, 1778. France won the most favored nation treatment "in respect of commerce and navigation. . . ." [106] The original intention of Congress had been to open American trade on equal terms to all friendly nations. In December, 1776, however, Congress had offered more liberal terms to France and Spain, and eventually certain exclusive privileges to France.[107] But these Vergennes had de-

[103] Vergennes to Montmorin, January 16, 1778, in Stevens, *Facsimiles,* no. 1838. Just who invented the idea that should France refuse to aid America the latter would reunite with England and fight France for common revenge is not known; but this amazing threat, says Van Tyne, "was just the menace to have the greatest effect with the French Ministry." *War of Independence,* in *The Founding of the American Republic,* II, 474.

[104] Vergennes to Noailles, January 24, 1778, in Stevens, *Facsimiles,* no. 1848.

[105] Hunter Miller (ed.), *Treaties and Other International Acts of the United States of America,* 4 vols. (Washington, 1931–1934), II, 3–34.

[106] Article II, in William M. Malloy (ed.), *Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers,* 3 vols. (Washington, 1910–1925), I, 469. Perhaps the reason for the hurried signing of the treaties, February 6, 1778, can be explained by the fact that the letter of the Spanish government refusing to join the war against England arrived in France February 4, 1778. Vergennes then felt it was too late to withdraw and also thought Spain could be persuaded to enter later. See Van Tyne, *War of Independence,* in *The Founding of the American Republic,* II, 494.

[107] These were granted in supplementary instructions giving the American commissioners additional bargaining power, especially in their efforts to secure an alliance. Committee of Secret Correspondence to Commissioners in Paris, December 13, 1776, in Wharton, *The Revolutionary Diplomatic Correspondence of the United States,* II, 240–41.

clined "in order to remove every temptation from the way of the Americans that might lead them to a reconciliation with England." [108] The treaty of defensive alliance was not to become operative until war began between England and France. Each party reserved the power to determine the most effective means of co-operation, but neither was to agree to a formal truce with Great Britain without the consent of the other; "and they mutually engage not to lay down their arms, until the Independence of the united states shall have been formally or tacitly assured by the Treaty or Treaties that shall terminate the War." [109] In return for recognition of their independence, the United States guaranteed to France her existing possessions in America, as well as all British islands captured in the Gulf of Mexico. If the Bermudas were captured, they were to go to the United States. Provision was also made for Spain to join the alliance later if she wished to do so.

The French ministry managed to maintain a baffling secrecy throughout the negotiations and urged the Americans to keep a cautious silence even after the treaties had been signed. Not until March was intercourse between the French Foreign Office and the commissioners undertaken openly.[110]

Unable to secure positive information, Lord Stormont could only report rumors of a treaty. The caution of French diplomacy and ministerial fear of reconciliation were proof enough to him of insidious designs. From December 12, 1777, until March 5, 1778, Stormont continually harassed Weymouth with reports that a treaty between America and France was evolving and on February 6 positively asserted that it had actually been signed. But Weymouth, even as

[108] Doniol, *Histoire,* II, 837. For concessions see also, Hill, *Leading American Treaties,* 10.

[109] Article VIII, in Miller, *Treaties and Other International Acts of the U.S.,* II, 38–39.

[110] Corwin, *French Policy,* 96n.

late as March 5, blindly refused to believe these assertions.[111] To this obstinacy Stormont replied that he would pawn his honor and reputation "for the Actual Existence of a Treaty of Alliance signed and executed in the usual Manner, and wanting Nothing, but the Ratifications which are to be exchanged as soon as may be." [112] These reports naturally alarmed the British government, but not as much as the Americans in Europe liked to assert.[113] Germain thought the alliance arose from colonial despair over the success of another campaign and French fear of reconciliation caused by rebel distress.[114]

It was by no means certain, as England's enemies declared, that the North proposals of 1778 sprang solely from a desire to counteract the Franco-American alliance. Nor was it correct to say that French fear of reconciliation was the sole factor motivating the alliance. Complex and varied causes rushed reconciliation and the alliance together. The truth was that each aimed to prevent the other.

On March 13, 1778, Noailles officially informed Lord Weymouth of the Franco-American treaties. Although England must have been prepared for such an announcement, Weymouth appeared amazed when the Ambassador read a statement requesting England to respect the commerce between France and America. He knew a political alliance existed when Noailles said that, "being determined to protect effectually the lawful commerce of his subjects, and to maintain the dignity of his flag, his Majesty has, in consequence, taken eventual measures in concert with the United States of North-America." [115] This announcement, however, did not

[111] See correspondence between Stormont and Weymouth, in Stevens, *Facsimiles,* nos. 1811, 1823, 1857.

[112] Stormont to Weymouth, March 5, 1778, *ibid.,* no. 1883.

[113] American commissioners to Committee of Foreign Affairs, February 16, 1778, in Sparks, *Correspondence of the American Revolution,* I, 368.

[114] Germain to Clinton, April 12, 1778, in the Clinton MSS., CXLVI.

[115] Philadelphia *Royal Pennsylvania Gazette,* May 12, 1778.

prevent Vergennes from continuing to follow every move of the British ministry. When the conciliatory bills reached him he wrote Noailles that: "It is especially important for us to be promptly informed of the nomination of the commissioners, as well as of the tenor of their instructions and the precise period of their departure for America: . . . . "[116]

The British ministry, for their part, vainly tried to defeat the alliance by telling the people in America that France was their natural enemy and did not possess one tie in common with them, and in France that an alliance with America was futile, because it offered nothing but ingratitude and ill faith.[117] England naturally desired revenge on France and recovery of what appeared to be lost in America. Defending itself against the charge of allying with America to prevent a reconciliation, the French government sneered at the British assertion that it was beneath the dignity of its court to attempt to discover the period "at which France formed connections with the United States."[118] The conversations leading to the treaties of February 6 were considerably "posterior to the capitulation of General Burgoyne,"[119] which had raised the hopes of America and dejected those of England. After this fatal occurrence France had listened to the proposals of Congress, because she, like Great Britain, had thought the independence of the United States irrevocable.[120]

A well-wisher to England declared that, during the period in which France gave repeated assurances of pacific intentions, the North ministry often tried in a friendly spirit to negotiate with the Americans. But Congress had used these advances to awaken French jealousy and to secure aid in

[116] Vergennes to Noailles, February 28, 1778, in Stevens, *Facsimiles,* no. 1876.

[117] Arthur Lee to Vergennes, April 24, 1778, in Sparks, *Correspondence of the American Revolution,* II, 156–57.

[118] "Observations on the Justicative Memorial of the Court of London," in Corwin, *French Policy,* Appendix IV, 405.

[119] *Ibid.*

[120] *Ibid.*

forestalling reconciliation. He urged the people of America to determine "whether they are under any tie of honour or conscience to support a French treaty, that has been insidiously framed to prevent a re-union, and in the last stage of many pacific advances on the part of Great-Britain brought up merely to prolong this destructive war." [121] Evidently, France would do her utmost to prevent the success of the peace proposals of 1778.[122]

When the battle between reconciliation and the French alliance reached America, arguments similar to those used in Europe arose. The opposition declared the North Bills of February, 1778, aimed solely to prevent the formation of a treaty with France; such insidious propositions only deceived America; the ministry, if not the King, really favored recognition of American independence; the United States should trust its arms and the French alliance; and Congress should thwart the policy which gave Europe the false impression that Britain recognized American independence.[123] But to secure money, formal recognition, and troops, American agents desired to have this false impression spread. Lord Germain noted this rumor and ordered the Carlisle Commission to disavow its truth at every possible opportunity.[124]

Though England remained unbeaten and refused to concede independence, the Americans felt more confident of the eventual success of the American cause after the French alliance. However, attempts at reconciliation had to be de-

[121] Dated November, 1778, and included in a pamphlet on "Proposed Appendix to the several Publications to the Proceedings of His Majesty's Commissioners," in Stevens, *Facsimiles,* no. 1201. These pamphlets refer to the several attempts at reconciliation that failed in America without consideration or the knowledge of the public.

[122] Stormont to Weymouth, February 25, 1778, *ibid.,* no. 1871.

[123] R. H. Lee to Washington, May 16, 1778, in Sparks, *Correspondence of the American Revolution,* II, 123–26. See also, William Lee to the Committee of Foreign Affairs, September 28, 1779, *ibid.,* 351.

[124] Germain to Peace commissioners, November 4, 1778, in Stevens, *Facsimiles,* no. 1206.

feated; for, unless Europe thought America determined to separate, foreign aid would be denied. The Committee of Foreign Affairs wrote:

> We believe, . . . that the honor and fortitude of America have been rendered suspicious in Europe, by the arts, intrigue, and specious misrepresentation of our enemies there. Every proceeding and policy of ours have been tortured, to give some possible coloring to their assertions of a doubtful disposition in America, as to her perseverance in maintaining her independency, and perhaps the speeches of many of the minority of both Houses in the English Parliament, who seem to persist in the probability of a reconciliation, may have contributed towards a continuance of that suspicion.[125]

The Earl of Carlisle, head of the peace commission of 1778, declared that the treaty of alliance, the evacuation of Philadelphia, and other factors had so elated the persons in authority that he could not expect a favorable answer to peace proposals, especially as long as Washington's army existed and continued to awe the country.[126] The French alliance had altered the aspect of the war, necessitating the adoption of new methods. England's primary problem was no longer to subdue America, but to prevent its increasing the strength of France. England's purpose was to destroy a union planned to annihilate her. As long as America fought for the redress of grievances or even for a separation, the mother country had thought it unwise and perhaps suicidal to devastate and weaken her own colonies. Now that it aimed to destroy England, the primeval policy of self-preservation justified any means, regardless of cruelty, of making America as worthless as possible. Carlisle favored doing what any individual under similar circumstances would do: "burn the ship rather than suffer it to fall into the hands of the enemy,

[125] Committee of Foreign Affairs to American commissioners at Paris, May 14, 1778, in Sparks, *Correspondence of the American Revolution*, I, 388–89.

[126] The Peace commissioners to Lord Germain, July 5, 1778, in Stevens, *Facsimiles*, no. 1115.

who would immediately turn her guns against you." [127] America should be made so desolate that France would have to pay dearly to nourish her back to life. Preparing for such a policy, Carlisle wrote: "It is on one side the medal of a war of havock and devastation; on the other slavery and ill treatment from their new masters. If this [128] is well caste, and carefully circulated, I have no doubt but it will have effect." [129]

In vain the Loyalists condemned the alliance as unnatural; [130] it "must infallibly unite the whole empire in one common effort to render abortive a confederacy that threatens ruin to the civil and religious liberty of mankind." [131] Such statements led the commissioners to believe the American people in general preferred the British offers to the French alliance.[132] One American advised England to give France her possessions in America, including all commercial privileges, and then join the latter in subduing the colonies.[133]

Fantastic rumors and taunts filled the air of the courts of France and England. One of these reports that went the rounds of the colonial press in June, 1778, was that Lord North, disappointed in the campaign of 1777, had requested Gerard, at the French court, to relieve him of an embarrassing domestic situation by urging Louis XVI to acknowledge the independence of the United States. Gerard supposedly replied that to frustrate his Lordship the King would not

[127] "Minutes—on the altered aspect of the American Contest since the French Alliance, and the necessity of adopting new methods of carrying on the war," September 29, 1778, *ibid.*, no. 529.

[128] Carlisle was referring to the manifesto being planned, which was issued on October 3, 1778.

[129] "Minutes," September 29, 1778, in Stevens, *Facsimiles,* no. 529.

[130] Claude H. Van Tyne, "French Aid Before the Alliance of 1778," in *American Historical Review,* XXXI (1925), 34.

[131] Address of the loyal inhabitants of the city of New York . . . to the King's commissioners, November 23, 1778, in Stevens, *Facsimiles,* no. 1226.

[132] Commissioners to Germain, November 16, 1778, *ibid.,* no. 1215.

[133] W. Smith, "An Easy Plan to Reduce the Rebellious Colonies," January 10, 1778, printed in the *Continental Journal and Weekly Advertiser,* June 18, 1778.

change his policy regardless of the advantages to England. As France would ultimately recognize American independence, Lord North might utilize the situation to screen his own conduct and ill success in war.[134] After the formation of the alliance, the report continued, his Lordship took great pains to spread among the British people the idea that the conquest of America was certain and that the attempt at reconciliation would have been successful "had not the perfidious French openly espoused the cause of rebellion." [135] The British ministry continued its conciliatory efforts and tried to negotiate with the American commissioners at Paris in 1779, but Vergennes termed as undignified any negotiation with Englishmen without previous grant of independence. The British wished to negotiate "not for the purpose of granting you suitable conditions, but to hold up an appearance that there is little agreement between you and us, by means of which illusion the purse of the English is drained." [136]

At various times after 1778 Vergennes toyed with the idea of a truce between the United States and England. By the treaty of alliance British recognition of American independence was to be either formal or tacit, yet in either case it was to be by a peace ending the war.[137] Spain, urged in 1779 to declare war against England, desired a truce followed by withdrawal of British troops from American soil. Vergennes hesitantly adopted this idea and submitted it to Gerard, the first French minister to the United States, for the approval of Congress. The case was so weakly presented, nevertheless,

[134] Secret intelligence transmitted to America, supposedly by one of the clerks in the secretary of state's office, in London, in the *North Carolina Gazette,* June 26, 1778.

[135] *Ibid.*

[136] Vergennes's reply to Arthur Lee, who asked advice as to a conference proposed by an Englishman, Dr. Berkenhout, January 4, 1779, in Sparks, *Correspondence of the American Revolution,* II, 215.

[137] See Doniol, *Histoire,* IV, chap. x, "The Inclination toward Peace, the Mediation," 485–530. See especially the note of Vergennes to Gerard of September 25, 1779—"Sur L'Acceptation Eventuelle D'une Treve pour Les Etats-Unis." *Ibid.,* IV, 529.

that the instructions to the commissioners to negotiate a peace with Great Britain made no mention of a truce. A preliminary article to any negotiation was "that Great Britain shall agree to treat with the United States as sovereign, free and independent." [138] Vergennes heaved a sigh of relief when England rejected the Spanish suggestion of a truce, and thanked God for the unexpected obstinacy of George III, who, unaware of his opportunity to break the Franco-American alliance as well as the Family Compact, determined to crush the rebellion.[139]

Undaunted by Great Britain's refusal, Spain continued to urge Vergennes to push the idea of a truce. At length he agreed that a truce would harmonize with the spirit of the alliance and warned Gerard dexterously to persuade Congress to accept an indirect recognition.[140] Having no choice left, Congress acquiesced and in June, 1781, instructed its commissioners that if, in the negotiations for peace, England was slow to acknowledge formally American independence, "you are at liberty to agree to a truce, or to make such other concession as may not affect the substance of what we contend for; and provided that Great Britain be not left in possession of any part of the thirteen United States." [141]

The alliance helped America to separate from the mother country and aided in maintaining the balance of power.[142]

138 Instructions of August 14, 1779, in *Journals of Congress,* XIV, 956.

139 Corwin, *French Policy,* 215. Spain proposed in 1780 a longtime truce between England and America on the basis of the military *uti possidetis* without specific recognition of American independence. Spain and England conferred at some length on this possibility, but without success. See the story in Samuel F. Bemis, *The Hussey-Cumberland Negotiation and American Independence* (Princeton, 1931). A brief of the story is given in Bemis, *Diplomacy of the American Revolution,* 105–06.

140 Doniol, *Histoire,* IV, 529.

141 *Journals of Congress,* XX, 652. John Adams was unaware that Vergennes had proposed a long truce instead of an explicit recognition of independence. Nor did he know that Necker, Director General of Finances in France, was profoundly alarmed and told Louis XVI that no recourse was left to France but peace as soon as possible. Charles F. Adams, *Works of John Adams,* I, 328.

142 Hill, *Leading American Treaties,* 19.

The Englishman who wrote, "France & America will rue the day they laid their heads together, Everything concurs to prove this, as well from within as without France," [143] failed to mention the benefits that were derived by America. The American leaders soon brushed aside their earlier fear of foreign entanglements, welcomed the alliance with surpassing joy, and hastily rejected all efforts to seduce them from allegiance to and faith in it:

> This faith is our American glory, and it is our bulwark—it is the only foundation on which our union can rest securely—it is the only support of our credit both in finance and commerce—it is our sole security for the assistance of foreign powers. If the British court with their arts could strike it, or the confidence in it, we should be undone forever— She would triumph over us more entirely than she ever intended. The idea of infidelity cannot be treated with too much resentment or too much horror. The man who can think of it with patience is a traitor in his heart, and ought to be extricated as one who adds the deepest hypocrisy, to the blackest treason.[144]

The effect of the alliance on reconciliation is obvious. At a crucial moment it brought to America long needed aid and moral encouragement and literally made a reconciliation impossible until Great Britain could defeat both America and France. In evolution the alliance and reconciliation tended to hurry each other along. Burgoyne's surrender brought matters to a crisis and forced the issue. Had the alliance not followed the surrender of Burgoyne, the North proposals of 1778 might have aroused the weary colonists to a thoughtful consideration, if not an actual acceptance, of the offers. Completed, the Franco-American alliance gave America the courage and power to resist British offers and achieve a lasting separation.

[143] Sir Joseph Yorke to William Eden, April 6, 1779, in Stevens, *Facsimiles*, no. 1281.

[144] Extract of a letter from a gentleman of distinction in France to a friend, Paris, August 8, 1778, printed in the *Continental Journal and Weekly Advertiser*, October 22, 1778.

CHAPTER IX

THE BELATED AWAKENING OF 1778

In the latter months of 1777 the British government realized that France was merely waiting for the proper moment to enter the war in behalf of America. There were other reasons than a possible Franco-American alliance, however, that led England to seek a final and permanent reunion with her rebellious American colonies. Burgoyne's surrender had shocked the British government into the realization of the strength and determination of colonial resistance. For both sides that colonial victory was a turning point in the Revolution. It made easier colonial rejection of peace offers, spurred France to ally with the rebels, and caused England to make its first and last serious and liberal attempt at reconciliation. Lord North's government also desired to conciliate the Whig opposition in Parliament and unite all Britain in support of the government and the common cause. It seems very doubtful that anyone in England really could have believed that any proposition short of actual colonial independence had the slightest chance of success. Lord North may have been sincere in his last peace effort. He certainly desired to forestall French aid, unify England, and discredit if not win over the Whig opposition. In any case, dire necessity urged him to make one more peace offensive, and colonial progress in the war this time made imperative a more genuine offer.

The King in his speech to Parliament of November 18, 1777, said his aim was to pursue the measures already taken to re-establish the constitutional subordination of America, but he would "ever be watchful for an opportunity of putting a stop to the effusion of the blood of my subjects, ..." [1] The

[1] *Parliamentary History*, XIX, 355.

deluded and unhappy people of America then suffering under arbitrary tyranny would return to their allegiance. The greatest glory of his reign would be "the restoration of peace, order, and confidence to my American colonies." [2]

Opposition to his policy of coercion, however, was steadily increasing, and, when France joined the United States, the cry to cease the war in America and devote every effort to crush France arose. A few bold souls among the opposition in Parliament, feeling coercion was failing, had courage enough even to suggest the recognition of American independence.[3] Perhaps to compromise this rising resistance, Lord North hinted that if circumstances impelled it or made it convenient, he would prepare during the Christmas vacation a plan of reconciliation subject to immediate consideration upon the reassembling of Parliament.[4] So earnest was North's desire for peace, reported the French Ambassador to Vergennes, that he said he would resign to save the life of a single man in America. However, he admitted that the situation in America had changed, that earlier claims would have to be abandoned, and that expediency justified more liberal concessions.[5]

This speech caused Horace Walpole to declare that a proud nation had never been forced to sink so low, and Burke and Fox to say that the administration thought only of the retention of their position, "and the members their pensions, and the nation its infamy." [6] "Were I Franklin," Walpole added, "I would order the Cabinet Council to come to me at Paris with ropes about their necks, and kick them back to St. James's." [7] He felt that America was safe. While the opposition would not yield control of American trade, wrote Ver-

[2] *Ibid.*

[3] Noailles to Vergennes, November 21, 1777, in Stevens, *Facsimiles*, no. 1743.

[4] Speech of December 10, 1777, in *Parliamentary History*, XIX, 577, 592. Cf. *supra*, p. 173.

[5] Report of Noailles to Vergennes, December 12, 1777, in Stevens, *Facsimiles*, no. 1772.

[6] Horace Walpole to the Countess of Upper Ossory, December 11, 1777, in Toynbee, *Letters of Walpole*, II, 166.

[7] *Ibid.*

gennes with an eye toward Spanish aid, Lord North proposed peace, friendship, commerce, and confraternity in order to oppose one family compact to another.[8]

Lord North may have intended, by his suggestion of peace, to delay Franco-American negotiations and assure the colonies of another offer of reconciliation. Between December, 1777, and February, 1778, he made several attempts [9] to confer with Franklin to secure an answer to two questions: Was a reconciliation possible on terms short of absolute independence, and if so, what specific proposals could Franklin make toward such a peace? He did not wish to ask for Parliament's approval of any plan until he knew what the colonial reaction to it would be. Ambrose Serle had declared that if the colonies could be safely assured what position they would assume within the empire,

> What Indulgences they might expect to meet with, and what Punishment for their late Conduct they may escape, upon a speedy Submission; that, should not the people declare against a Contest of which they are heartily tired, so great a Division would be created among them, as to render it impractical for their Leaders to maintain a long or a vigorous opposition.[10]

The British government thought Franklin advocated a French alliance to force England to grant more liberal concessions. They feared that inadequate offers would spur France to an immediate alliance and allow Franklin to boast that the colonies had rejected authentic offers of Great Britain. However, France, afraid of genuine proposals, would not have needlessly involved herself in a dispute which inadequate offers or the

[8] Walpole to Montmorin, December 13, 1777, Stevens, *Facsimiles*, no. 1774. See also, letters of Vergennes to Montmorin of December 15 and 19, 1777, *ibid.*, nos. 1780 and 1786; and an unsigned letter to Edward Bancroft, December 19, 1777, *ibid.*, no. 1787.

[9] William Pulteney to Germain, December 9, 1777, *Stopford-Sackville MSS.*, 82–83. See also, Noailles to Vergennes, November 21, 1777, in Stevens, *Facsimiles*, no. 1743.

[10] Ambrose Serle to Dartmouth, December 3, 1777, in Stevens, *Facsimiles*, no. 2071.

turn of events would have settled in her favor. The friends of the ministry insisted that the coming propositions be stated as clearly as possible to escape the criticism of ambiguity leveled at the plan of 1775. To avoid the misunderstanding and lack of sympathy which the Howe Commission had met, they urged that the negotiations be conducted in England to give the British commissioners the tactical advantage of treating on their own soil and the privilege of easy reference to superior authority.[11]

One Englishman chosen to confer with the American deputies at Paris was James Hutton, the seventy-two-year-old chief of the Moravians of America and Europe. He told the French people that the British government was disposed to grant the Americans everything they might ask, "except the word *independence.*" [12] When this statement reached Vergennes, he informed Louis XVI that Lord North could offer a plan for war or peace and expressed the fear that America might accept a genuine peace offer.[13] Hutton revealed more disturbing news in his report that one of the American deputies had shown him a paper to the strange effect:

That if I meant to save England, I should procure from the King a sign-manual declaring the independency of America, BUT THAT IT MUST BE DONE WITHIN TEN DAYS; that in that case he was not unwilling if his Majesty would employ him therein, to go over to the Congress to labour such an alliance with England and America as might be very acceptable.[14]

From this he felt sure that there was a "treaty on the carpet." [15] Great Britain's situation, according to the Duke of Marl-

[11] Pulteney to Germain, December 9, 1777, *Stopford-Sackville MSS.*, 82–83. See also Noailles to Vergennes, November 21, 1777, Stevens, *Facsimiles,* no. 1743.

[12] Monsieur Grand to Vergennes, January 1, 1778, in Stevens, *Facsimiles,* no. 1817.

[13] Paper submitted by Vergennes and marked approved by the King, January 7, 1778, *ibid.,* no. 1824.

[14] James Hutton to Germain, January 25, 1778, in *Stopford-Sackville MSS.,* 92.

[15] Hutton to Germain, January 26, 1778, *ibid.*

borough, was at best gloomy. A fair offer of terms was all that could be expected. The bulk of the colonists, tired of war and desirous of peace, might accept a reconciliation unless the terms offered were hard and "indigestible." [16]

Conciliation was among the many urgent problems which concerned George III at the outset of 1778, a period during which he showed a surprising amount of political ability. With remarkable energy, he began to think seriously upon the questions agitating the empire. The united opinion of the nation, as well as his own, was that the colonies would not accept any terms short of independence. He did not believe the Englishman lived who was bold enough to treat on such a proposition.[17] Sooner or later the Franco-American alliance would be effected. His docile minister, Lord North, was still in his power. Although not entirely suitable to his mind, he did not know of anyone else who would do as well, and wrote that he would be distressed to fill his place.[18]

George III and Lord North, be it understood, were not alone in their support of coercion. In spite of the existence of a controlled House of Commons, there were times during the war when that body spoke for itself. The following facts bear evidence of a wider support for the policy of coercion and of a more considerable opposition to the policy of conciliation than that alone of the King and his right hand minister. Strong opposition first greeted North's plan of 1775 when he introduced it. Friends of the government considered the proposal too humiliating. Measures offered in Parliament for crushing the rebellion, for prohibiting the trade of America with Europe, and for coercion received constant and convincing support. All minority peace efforts were of course summarily rejected and even North's gestures toward peace after 1775 met bitter opposition. George III had to warn Lord North in

[16] Marlborough to William Eden, January 8, 1778, Stevens, *Facsimiles*, no. 350.

[17] George III to North, January 13, 1778, in Fortescue, *Correspondence of George III*, Vol. IV, 14.

[18] *Reports on MSS. in Various Collections*, VI, 267.

1778 to communicate his plan of conciliation to the leading members of his party before offering it in Parliament in order to avoid the trouble and the confusion which greeted his effort of 1775.

Even the minority peace proposals implied every intention of retaining the substantial benefits of America for England. Many of these suggestions were offered simply to embarrass the party in power, without the slightest expectation of their acceptance. The British Army in America, officers and men, wrote the historian Botta, could not restrain their anger at Lord North for making his offer of 1778.[19] The King probably spoke the truth to Lord North, January 13, 1778, when he wrote that as long as America insisted upon winning independence, "I do not think there is a Man either bold or Mad enough to . . . treat . . . on such a basis. . . ." [20] It was not the King, then, but the entire country that would never endure such a shameful surrender to rebels.

Of course after the Franco-American alliance there was more united support in Britain for the war and continued determination by all but a relatively unimportant few to prevent the loss of America. How clearly Lord North realized the strength of the opposition to reconciliation was shown by his repeated efforts to resign in the fall of 1777 and throughout 1778 to avoid angering the friends of the King by making another peace effort. To Lord North this final major effort at conciliation was urgent and only the most persuasive efforts of the King kept him at his post. North saw that a plan acceptable to America would raise a furor in England. This was a dilemma he could never solve. The correspondence between Lord North and the King throughout the Revolution shows that both realized that their policy of coercion had a far wider support than that of the court faction alone. Their plans to avoid irritating their supporters in Parliament whenever they

[19] Van Tyne, *The War of Independence*, in *The Founding of the American Republic*, II, 123–24.

[20] Fortescue, *Correspondence of George III*, Vol. IV, 14–15.

thought a peace offensive necessary illustrate the fact that no members of Parliament were bribed to oppose reconciliation.

Furthermore, the landed interests and the Anglican church group strongly supported the policy of coercion. Even merchants and shipowners of England realized by 1775 that sooner or later the quarrel with America would have to be settled and they thought if the solution was to come by force they might as well get on with it.[21] Franklin realized the wide extent of the British refusal to seek a fair compromise of the quarrel. Not only among the Bedford group, but also among the nation and Parliament at large, he noted the firm determination to override all peace efforts based on genuine concessions.[22]

Even Lord North, by the fall of 1777, was utterly dissatisfied with the King's American policy. North could not easily endure the vituperation and denunciation aimed at himself and thought any measure which he signed would not satisfy the opposition in Parliament or in the country. He was anxious to make pacific propositions to America, but he felt that such action would be futile and would alienate the friends of the English government. He could induce Parliament to renounce the right of levying taxes on the colonies, for it had practically abandoned this already, but how to tempt the colonists to renounce independence baffled him. He had little faith in his ability or plans to settle the American question and urged the King to appoint Chatham first minister, but the King refused, unless North would head the ministry.[23]

On January 29 North wrote the King that he desired to resign, among other reasons, because:

A pacific proposition appears to him necessary both for this country and America: Ld. North's declaration requires it; the situation of affairs requires it in Lord North's opinion; at the

[21] Hinkhouse, *The Preliminaries of the American Revolution*, 202–05.

[22] See his denunciation of the hurried rejection of Lord Chatham's peace proposals of February, 1775, in the House of Lords. Smyth, *Writings of Franklin*, VI, 368–71.

[23] See the correspondence between North and George III, in Fortescue, *Correspondence of George III*, Vol. IV, 83–87.

same time it may be very disgustful to the present zealous friends of government. If a proposal is made it must be a considerable and explicit one and such as bids fair to have some effect in the Colonies. But what will do there, may offend and fail here, ...[24]

He submitted his peace proposals in this letter. Though they were the best he could frame, his supporters would probably oppose them, the opposition treat them as trifling, and America ignore them.

The King firmly urged North's co-operation and recalled his advice before Christmas not to promise to introduce a plan of conciliation. He opposed offering peace proposals, not because he desired unconditional submission, but because terms acceptable to America would be unacceptable in Great Britain and proposals satisfactory to the mother country would be short of American demands. The contest should therefore continue until either England or America saw its futility:

> Perhaps this is the minute of all others that you ought to be the least in an hurry to produce any plan of that kind; for every letter from France adds to the appearance of a speedy declaration of War; should that event happen, it might perhaps be wise to strengthen the Forces in Canada, the Floridas, and Nova Scotia, withdraw the rest from North America and without loss of time, employ them in attacking New Orleans, and the French and Spanish West India possessions.[25]

Success in these parts would repay Great Britain for the expenses incurred. At the same time England should continue to destroy the trade of the rebellious colonies and thus soon end the contest.[26] When the Americans found their allies suffering and weakening, they might be more willing to listen to offers of conciliation. The King did not oppose reconciliation if properly thought out and proposed at the right moment, but, remembering the consternation among the friends of the ministry upon the first presentation of the plan of 1775, he

[24] North to George III, *ibid.*, 28.

[25] George III to North, January 31, 1778, *ibid.*, 30–31.

[26] *Ibid.*, 31.

advised North to take care this time and consult his cabinet and party before making any propositions.

To discover a plan of reconciliation that would satisfy either the factions in Great Britain or the leaders in America was indeed a problem in 1778. Should Parliament make a full and open offer or keep some concessions in reserve? "Considerations," "proposals," "plans," "sketches of propositions," and "suggestions" for a reconciliation occupied a large part of the correspondence and speeches of the adherents of Lord North in the first quarter of the year.

One of these "considerations" suggested that the commissioners authorized to go to America be given full power to offer and accept such conditions as circumstances demanded. Concessions recognizing the rights for which the colonies had been fighting were necessary. "Whatever we know must be yielded in the Course of Negociation had better be given up in the outset, because the object at present can only be to gain an opening for Treaty." [27] The American opposition to British taxation and alteration of charters had, after the beginning of the war, yielded to the popular cry for a restoration of conditions existing prior to 1763. An unambiguous and unqualified act must manifest a disposition to make such a restoration. Despite the fact that such a procedure would place England in the embarrassing position of having to plead for the acceptance of the offers, once the necessary preliminary of securing a hearing was over, she would gain a point of advantage. The American people would measure the amount of contribution to be given by the expense of a continuation of the war rather than the justice of the demand. Although the commissioners should be given full power to repeal the acts complained of, the delicate question of paper money should be left to the secret instructions. To assure America that the powers given the commissioners were in accord with Parliament's will, they should

[27] "Considerations on the wisest Measure for an Accommodation with America," in the hand of William Fraser, dated January, 1778, in Stevens, *Facsimiles*, no. 344. For similar plans see *ibid.*, nos. 346, 347, *passim*.

be officially approved. Unable to secure both a definite contribution and control of colonial commerce, the instructions should specifically state Parliament's preference. A colonial contribution for common defense freely collected by the colonies was not unjust. Duties collected from the regulation of trade were to be at the disposal of the colony in which they were received—an arrangement which in future would have caused many a bitter struggle between the old seaboard and new inland colonies. The Tea Act of 1767 should be repealed, colonial charters made safe, and commissioners chosen who had no direct relation to the government.[28]

Solicitor General Wedderburn would give the commissioners full powers and suspend all acts complained of, but in his draft of a conciliatory act he crossed out the repeal of the Declaratory and Quebec Acts. Although on second thought he did not wish to yield this fundamental right, the original inclusion of the Declaratory Act was indicative of a radical change in the attitude of the ministry.[29] He objected to the explicit enumeration of the objects of the proposed commission; it left too much room for debate. Further, since the commissioners were to appoint governors, negotiation with separate colonies was not only superfluous but would arouse unnecessary opposition in Congress and the assemblies. A declaration of rights for America should not precede the treaty of peace and reunion. He thought Parliament should repeal the tea duty and pledge further concession, but he could not say what measures concerning the exceedingly complex question of taxation would satisfy America. He had no objection to trying to find words which would convince America that Parliament would officially renounce the exercise of the right of taxation, but was at a loss as to the means of achieving this.[30]

[28] *Ibid.*, no. 344.

[29] Draft of "An Act for giving full powers to any commissioner or commissioners appointed . . . by his Majesty to treat . . . ," 1778, in the Wedderburn Papers (William L. Clements Library), III, 3.

[30] "Notes and Opinions upon the Conciliatory Bills," February, 1778, in Stevens, *Facsimiles*, no. 368.

William Eden, once secretary to the Duke of Suffolk and close friend and neighbor of Lord North, in reference to framing a satisfactory disclaimer of the exercise of this right wrote: "I have wasted much paper with the same view but I have not succeeded— It is a matter on which I find it impossible not to express either too much or too little." [31]

On February 3, 1778, however, news from Paris showed a war with France to be inevitable. The King wrote North in these words: "Undoubtedly if the intelligence sent by Benson is founded, [*sic*] France has taken her part and a war with G. Britain must soon follow." [32] At the same time he enclosed a letter from Lord Barrington concerning the raising of troops and preparing for such an event. Since a French war was very likely, he urged North to lose no time in getting his measure of conciliation before Parliament and stated his plans for the use of British troops against the new enemy. Though it was not positively known that the Franco-American treaty of alliance had been signed when Lord North introduced his conciliatory propositions, the belief prevailed that it would soon be completed and this hastened the action of the ministry. It is doubtful whether the King would have urged the measure until he felt more or less certain that war with France was inevitable. He wrote North on February 9:

The intelligence communicated by Mr. Wentworth if certain, shews the veil will soon be drawn off by the Court of France, which makes me wish you would not delay bringing your American Proposition, after proper Communications to the Leading Persons, into the House of Commons.[33]

On February 17 Lord North brought forth his conciliatory propositions. Two acts resulted from his motion. First:

An act for removing all doubts and apprehensions concerning taxation by the parliament of Great Britain in any of the colo-

[31] William Eden to Lord North, February 7, 1778, *ibid.*, no. 369.

[32] George III to North, February 3, 1778, in Fortescue, *Correspondence of George III*, Vol. IV, 34.

[33] George III to North, February 9, 1778, *ibid.*, 36.

nies, provinces, and plantations in North America and the West Indies; and for repealing so much of an act made in the seventh year of the reign of his present Majesty, as imposes a duty on tea imported from Great Britain into any colony or plantation in America, or relates thereto.[34]

Second:

An act to enable his Majesty to appoint commissioners with sufficient powers to treat, consult, and agree upon the means of quieting the disorders now subsisting in certain of the colonies, plantations, and provinces of North America.[35]

His introductory speech was a statement of his creed in all American matters. In explanation of the failure of his first proposal of February 20, 1775, he stated:

That by a variety of discussions, a proposition, that was originally clear and simple in itself, was made to appear so obscure, as to go damned to America; so that the Congress conceived, or took occasion to represent it as a scheme for sowing divisions, and introducing taxation among them in a worse mode than the former, and accordingly rejected it.[36]

Though North thought the colonies should contribute small sums to the expenses of the empire, he had never planned to secure any considerable revenues from them. Therefore, he desired silence on taxation and proposed a means of producing it. His measure would yield forever all exercise of the right of taxation for revenue, but retain taxation for the regulation of trade. Thus, England would sacrifice a definite contribution for a monopoly of colonial trade, and in doing so met the colonial alternative of 1775. North yielded all British control

[34] Pickering, *Statutes at Large*, XXXII, 4. 18 George III, Cap 12.

[35] *Ibid.*, 5. 18 George III, Cap 13. These two citations give in full the provisions of North's measures of 1778. *The Statutes at Large* simply mentioned them in this manner and contained no detailed statement of the means of pacifying America. However, in the following chapter, the instructions to Lord Carlisle's Peace Commission will show fully the nature of the proposal here given in its broadest outline.

[36] *Parliamentary History*, XIX, 762.

over the internal affairs of the colonies and promised to restore pre-1763 conditions. Believing the colonists did not desire the repeal of acts passed since 1763 which had caused them no injury, he proposed to repeal the acts regarding the charter of Massachusetts, the fisheries, and those restraining the trade of the colonies.[37]

In view of the increasing revenues from control of colonial trade after 1763 and the strong opposition in America to every attempt of Parliament to obtain a definite sum by taxation, North's choice of trade regulation in exchange for taxation was perfectly natural. It was certainly the most profitable way for Britain to make America a paying proposition. Lord North, then, really promised that Britain would abandon the whole program entered upon after 1763 and that never again would Parliament tax America in any way except to regulate trade. This was a genuine concession. In 1774 and 1775 the offer would have met wide approval in America. North's choice shows furthermore that Englishmen chose once more to adhere to the older policy of mercantilism regarding America rather than to try to enforce the relatively newer policy of imperialism which originated in 1763. Trade was worth more than taxation. It was easier to regulate. Colonial history had given ample precedent for trade regulation, whereas the principle of Parliament's right to tax America internally had met repeated rejection. Hence the question of basic rights and fundamental principles did not muddy the issue of regulation. No new principles were involved. By actual experience Englishmen knew the value of colonial trade. Not so of taxation. Repeatedly, attempts to tax America had caused trouble. One policy had paid; the other had not. However, many an Englishman found it difficult to sink his pride and admit any qualifications in his right to legislate for Americans in any case whatever.

The commissioners were to receive wide discretionary power. Specific concessions should not be made known to the

[37] *Ibid.*, 764.

colonies because they would consider every concession made in England a part of the basis of the treaty, from which assurance they would never recede and upon which guarantee they would form new demands. Since the powers of the Howe Commission were too limited, he would this time give the commissioners full and specific powers to treat, discuss, and conclude upon every point whatsoever. Although empowered to recognize Congress, the commissioners could treat with provincial assemblies or individuals. Desire for a military victory delayed the announcement of his propositions. He regretted the disappointing events of the war and the failure of the well-trained British soldiers to meet his expectations against the raw backwoodsmen from the hills and wilds of America, but he was by no means desperate. The army could be well supplied for years to come. Then, to the surprise of his own party, especially the Bedford group, he declared that if the house was disappointed in the failure to coerce America he was not to blame. He had not deceived his friends; his concessions were based on reason, not necessity. Though the Whigs feigned great amazement at the speech and exaggerated the surprise of North's supporters, his move was perfectly in line with his personal wishes. Perhaps North forced the King to accept the measures by threat of resignation.

This speech and the whole peace effort met widespread denunciation; yet men realized that this final attempt was necessary. In the House of Commons both Whigs and Tories disliked it. The House of Lords next added their noble regrets that affairs had reached such a humiliating necessity. Weeks passed and Englishmen, according to their correspondence, could not in the depth of their souls accept the humiliation. Meanwhile, the British press assailed a government forced once more into a reversion to conciliation. Then when the news reached America the colonial papers, both Loyalists and rebels, added their own objections and in their mutual recriminations North's last effort perished and the sincerity of

his motives suffered a tormenting attack. Let the record speak for itself.

The *Annual Register* recorded the impression made by North's speech and proposition:

> A dull melancholy silence for sometime succeeded to this speech. It had been heard with profound attention, but without a single mark of approbation to any part, from any description of men, or any particular man in the house. Astonishment, dejection, and fear, overclouded the whole assembly. Although the minister had declared, that the sentiments he expressed that day, had been those which he always entertained; it is certain, that few or none had understood him in that manner; and he had been represented to the nation at large, as the person in it the most tenacious of those parliamentary rights which he now proposed to resign, and the most remote from the submissions which he now proposed to make. It was generally therefore concluded, that something more extraordinary and alarming had happened than yet appeared, which was of force to produce such an apparent change in measures, principles and arguments.[38]

According to the Whig viewpoint, it seemed that every member was anxious to speak in opposition to the minister. Men who had attended Parliament for years almost without uttering a word now stirred from their long lethargy to speak out their thoughts. In the lengthy debates there was scarcely an appearance of a minority party. The opposition failed to join the discontented members of the administration to defeat the bills; it chose to support North's measures, but showed no mercy to his conduct.[39] The country gentlemen, seeking a revenue from America, resented North's declaration that he had not deceived them and they attacked a proposal which reversed the three-year-old policy of coercion.

Charles James Fox sarcastically congratulated the Whigs on the acquisition of such a powerful ally. But were the concessions ample enough? Were they not too late? Why had North,

[38] *Annual Register*, XXI, 133–34.

[39] *Ibid.*, 134.

who had adjourned Parliament to make a proposition of conciliation, neglected to do so until France had concluded a treaty with America? He requested the ministers to make clear

> Whether they knew anything of this treaty, and whether they had not been informed previously to the making of their proposition, of a treaty which would make that proposition as useless to the peace, as it was humiliating to the dignity of Great Britain.[40]

North confessed that he thought such an alliance probable, but knew nothing definite concerning it.

The opposition denounced further haggling. Why not demonstrate the sincerity of the mother country by repealing outright the obnoxious acts? The colonists would not accept a plan that did not as a preliminary repeal those acts. Despite a truce, retention of the navigation acts would cause future wars. The first American ship captured by English seamen would cause a renewal of the war. The minority opposed limiting the power of the commissioners to suspend odious acts of Parliament. They pointed out that during the reign of Charles II a like commission had been given full power over suspensions while acting in England: Was it not reasonable, then, to grant full power to commissioners who were to be separated from their superiors by three thousand miles of ocean? Certain discretionary powers were absolutely necessary for the success of such a mission. Why not trust the wisdom of the commissioners and authorize them to act as the occasion and circumstance demanded? Could the ministers foresee all the problems likely to arise in America? They knew the tragedy of endless delay.

The former boastful assertions about punishing traitors and avenging the injuries to the state inflicted by daring rebels no longer grated on English ears, observed John Wilkes. Peace, harmony, and reconciliation were the delightful sounds they now heard. The terrible minister of wrath had ceased to

[40] *Parliamentary History*, XIX, 769.

breathe the fiery darts of Hades and lulled himself to rest in the thoughts of peace and accommodation. America was lost, he declared, and reconciliation was a fallacious hope. Nothing short of independence would be accepted. Was it not shameful of the mother country at the last moment to beg conciliation when the Americans were just beginning to feel the effects of their long and hard struggle for success and relish the sweet realization of fame? After they had tasted the joys of independence and the glory of praise, would they return to their former allegiance? The peace effort was merely a lucrative position for five bold and hungry commissioners.[41]

The Lords bitterly opposed North's peace proposals,[42] but necessity forced them to approve the measures. Few believed, however, that America would accept them and the Lords dismissed them as "insidious," "ineffectual," "disgraceful," "weak," and "humiliating." Lord Camden said their weakest point was that which would force the colonists, after the peace terms had been decided upon, to wait for their ratification by Parliament before they could be sure of peace.[43]

The voices in favor of the measures were few. In answer to the country gentlemen, Wedderburn declared England fought, not for revenue, but to crush the spirit of independence. England had more to lose now than in 1775 and could afford to relieve America of British taxation.[44] Lord North added that the colonies must either treat as dependents of England or not at all. Sir Grey Cooper said all thinking men in America would agree to a treaty of dependence:

> When the owners of land, the planters of tobacco and rice, the growers of corn, the breeders of cattle, the proprietors of houses and wharfs, know with certainty that they may not only have peace with Great Britain, but peace in perfect security, that they never shall in future be taxed, except by their own representatives

41 *Ibid.*, 804–15. 42 *Ibid.*, 834–70. 43 *Ibid.*, 863.

44 "Defence of ye Bills for a Treaty," February, 1778, in the Wedderburn Papers, III, 5. See also, "Heads of a speech on ye Bills for a Treaty wh. America," February, 1778, *ibid.*, 6.

in their own general courts or assemblies; all such men will, all such men must be, disposed to consent to a reunion with, and dependence on Great Britain on such terms. When they are recovered from the frenzy of fear which has so long distracted them, they will see in its true light, the government under which they now live; instead of a federal republic, composed of free states of which they dreamed, they will find and feel, when they awake, the hard and rigorous control of an aristocratical government. It is in vain to impute blame to the rulers for this rigor and severity. Usurpation must be maintained by force.[45]

Despair, he declared, had dictated the American alliance with France.

Parliament thought something had to be done immediately; these bills answered that necessity; and this fact justified them, however imperfect they might be.[46] Lamentation at the depths of shame to which the empire had sunk was general. The measure had come too late and America's refusal would bring further dishonor to England. The chief opposition arose from the obvious fact that the measure sprang from necessity, not choice. Conciliation and unconditional submission did not harmonize. Lord North, having tried both, was ill fitted to offer peace to America. The plan was a delusion to amuse England and deceive America. Negotiation with groups outside of Congress could have no other intention than to divide America and weaken allegiance to Congress. Nevertheless, the measures passed both Houses of Parliament by large majorities.

The Commons defeated a motion to name the commissioners in the bill,[47] and at first rejected a motion that the committee on the conciliatory bills be instructed to "receive a clause to repeal the Bill for regulating the government of Massachusetts Bay." [48] On the other hand, the ministry agreed

[45] *Parliamentary History,* XIX, 790–91.

[46] A pamphlet, *The Conciliatory Bills Considered* (London, 1778).

[47] *Parliamentary History,* XIX, 775–79.

[48] *Ibid.,* 779–84. The motion failed 108–181. However, Powys's motion "for leave to bring in a Bill to repeal the Massachusetts Bay Act" was agreed to

to the repeal of the Tea Act of 1767 and accepted Burke's amendment to extend the provisions of the conciliation measures to the West Indies.

In the Lords the Earl of Abingdon with forceful logic entered the one dissenting protest. He opposed the bill because a declaration not to impose taxes merely suspended the use of the taxing power; it confirmed the right of taxation, for without the right the declaration was void. Denying the right, America would resist the assertion of it. If England reserved the right, the object of colonial resistance remained; further, if taxation were a constitutional right, as Parliament asserted, its exercise could not be dispensed with. Taxation and representation were inseparable. Americans would place little confidence in agreements subject to the final approval of Parliament. Without committing itself, Parliament would have the advantage of knowing what terms Congress would accept. The very inequality of such a condition would stop the negotiations. The colonists would object to the retention of the Quebec Act and to the restrictions on the suspension of the Prohibitory Act. Moreover, the commissioners were to pardon innocent people, because the bills agreed that the colonists were the King's faithful subjects. To pardon faithful subjects was an act of supererogation, if not of absurdity. Like a deathbed repentance, the concessions came at the last hour, avowedly the result of necessity, not of principle. They left Englishmen under the fear of a breakup of the empire and blinded them to all sense of honor. He suggested the removal of the ministers as a preliminary to negotiation.[49]

Horace Walpole, denouncing the vacillation of Lord North, stated:

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on February 24, 1778. *Ibid.*, 784. A separate measure was passed, "An act for repealing an act, passed in the fourteenth year of his present Majesty's reign, intitled, An act for the better regulating the government of the province of the Massachusetts Bay in New England." Pickering, *Statutes at Large*, XXXII, 3. 18 George III, Cap 11.

[49] Abingdon's protest is found in *Parliamentary History*, XIX, 867–70.

Yesterday, Feb. 17, did the whole administration, by the mouth of their spokesman, Lord North—no, no, not resign; on the contrary, try to keep their places by a full and ample confession of all their faults, and by a still more extraordinary act,—by doing full justice both to America and to the opposition,—by allowing that the former are no cowards nor conquerable,—that they are no rebels, for the new commissioners are to treat with the Congress or anybody, and, by asking pardon by effect, i. e., the cancelling all offensive acts, and by acknowledging the independence of the thirteen provinces, not *verbally* yet *virtually*.[50]

The faults of the administration, he thought, were two: misinformation and persistence in a point of honor. Others would perhaps add two more: the destruction of 24,000 soldiers, accompanied by a vast loss of property, and the expenditure of above thirty million pounds. Despite the grave objections offered to the measures, the Tories gulped their shame and voted for them. The bills yielded so much that nothing but the dread of an immediate war with France or the impossibility of raising money to maintain the armies and fleets could have reconciled the court to such vast concessions.

Repeating the objections already offered against the peace proposals, British newspapers denounced the belated action of the ministry:

Had the voice of truth, reason, or common sense, so long, so repeatedly, so loudly sounded through the medium of this paper, been attended to before, the calamities hanging over us as a nation, might have been averted. Our day is now past, and it becomes us to prepare with fortitude and resignation, to encounter the many evils, consequent of our obstinacy and folly, that we must necessarily have to struggle with.[51]

North wished to defeat the opposition of the minority by offering more than they could have anticipated. While Eng-

[50] Horace Walpole to William Mason, in Toynbee, *Letters of Walpole*, X, 190.

[51] Editorial postscript to the London *Evening Post*, February 17, 1778.

lishmen did not expect America to yield independence, an explicit offer would either force acceptance or reveal that the stated purpose of the war—to secure a redress of grievances and a full guarantee of constitutional rights—was a mere pretense. It would overthrow all opposition in England and bring good results in America; for, despite vigorous measures to force American submission, those who had been loyal to the King would be remembered on another day.[52]

"A Plain Man" declared America would demand a formal renunciation of the power to impose taxes because it had suffered too much to be reconciled without positive assurances on that point. Further, colonists who had done no wrong worthy of pardon would not be called rebels. Unconquerable, the United States would sign no treaty contrary to their own terms.[53] He did not, however, advocate recognition of American independence. He could easily meet the requirements for membership in a new club set up in King's-Arm Tavern, which decreed that each member must want peace with America; be a man of moderation; believe that America should take back independence; and sign a note saying he would contribute toward the continuation of the war, if America refused to yield independence and to accept the proposals of reconciliation being offered.[54]

On March 12 James Luttrell surprised the ministers by an unexpected motion for an address to the King to instruct the commissioners, whom he might name, that, in case they should find that the continuation in office of any public minister of the crown aroused

such jealousies or mistrusts in one or more of the revolted colonies, as might tend materially to obstruct the happy work of peace and sincere reconciliation between Great Britain and her colonies;

[52] Copy of a letter from London, dated February 23, 1778, printed in the *North Carolina Gazette,* June 16, 1778.

[53] Letter to Lord North in London *Evening Post,* February 26, 1778.

[54] *Ibid.,* February 19, 1778.

that the said Commissioners might be enabled to promise, in his Majesty's name, the earliest removal of such minister or ministers from his councils.[55]

They highly resented this motion and defeated it by a large majority.

When Noailles informed Lord Weymouth of the Franco-American treaties on March 13, there was a decided fall in stocks. This fact, though long expected, caused a few to turn to an open advocacy of the recognition of American independence. Many agreed with the Duke of Richmond and the Marquis of Rockingham that England should grant independence and then seek an alliance with America. Others like Chatham and Camden felt that to grant independence after America's alliance with England's worst enemy would be the nadir of disgrace.[56]

On April 7 Chatham appeared in the Lords for the last time and in his "dying speech" raised his voice against the inveterate enemy of "his country." There should be no shameful surrender to the house of Bourbon; England should not stoop so low as to say, "Take all we have, only give us peace." "I rejoice that the grave has not closed upon me; that I am still alive to lift up my voice against the dismemberment of this ancient and most noble monarchy," ran the beginning of his peroration speech, which ended with a call to arms reminiscent of an earlier day: "Let us at least make one effort; and if we must fall, let us fall like men!" [57]

His opposition to Powys's motion in the Commons to enable the commissioners to declare the independence of America would have been as violent as that of the ministry. Powys declared that it was vain to expect America to return to its former allegiance; and to avoid the further effusion of blood and gain a friendship and an alliance with the United States, he

[55] *Annual Register,* XXI, 144.

[56] Chatham to Duke of Richmond, April 6, 1778, in Taylor and Pringle, *Chatham Correspondence,* IV, 518.

[57] This speech is found in *ibid.,* 519–20n.

moved that the peace commissioners "be authorised to declare the Americans absolutely and forever independent." [58] The opposition said such a move would nullify the commission. Too tragic and premature, it was a proposition Parliament had no right to adopt, because no authority could legally break up the kingdom. Those defending the motion felt it the only means of securing American friendship, thwarting French efforts to weaken England, and impeding the rapid rise of the United States to a position of world pre-eminence. If subjugation were impossible, why not accept the inevitable by an immediate recognition of independence. David Hartley's motion,[59] May 28, for an address to the King to prevent the prorogation of Parliament was quickly rejected. The ministry felt equal to any crisis apt to arise.

Franklin expressed amusement at what he termed the two frivolous bills of the ministry. The plan they embodied was a childish scheme to divide and amuse America. The measures would obstruct, rather than advance, the cause of peace. Concerning the bills, he wrote February 27:

> England is in great Consternation, and the Minister, on the 17th instant, confessing in a long speech that all his measures had been wrong, and that peace was necessary, proposed for quieting America; but they are full of Artifice and Deceit, and will, I am confident, be treated accordingly by our Country.[60]

In his opinion no reliance could be placed on an act the content and title of which claimed a right which never existed. Another Parliament might readily change the present intention on the grounds of expediency. Parliament did not renounce the right of taxation; it merely disclaimed the intention to exercise such a supposed right. To criticize the measure was futile because "all acts that suppose your future govern-

[58] Motion of April 10, 1778, in *Parliamentary History*, XIX, 1080.

[59] *Ibid.*, 1207.

[60] Franklin to Thomas Cushing, February 27, 1778, Smyth, *Writings of Franklin*, VII, 111.

ment of the colonies can be no longer sufficient." [61] The necessity of parliamentary ratification of all terms was an insurmountable obstacle to peace. Also might not the war be resumed as soon as the colonial troops had disbanded, and the suspension of the acts of trade revoked the moment American ships sailed out of port? "In short they [the commissioners] may do everything that can have a tendency to divide and distract us, but nothing that can afford us security." [62]

Although the ministers and the King did not trust Franklin, they felt it necessary and desirable to "keep open the channel of intercourse with that insidious man." [63] In speaking of peace, the King declared he would never consent to any treaty surrendering the Floridas, Canada, or Nova Scotia; they belonged to England and should be separate from the other colonies. By means of garrisons to be established on these, he expected to overawe the abandoned colonies. Franklin's universal replies to the British government were: preliminary recognition of the independence of the United States; peace on equal terms; and the cession of Quebec, Bermuda, East and West Florida, and the Bahama Islands.[64]

North's conciliatory propositions caused but little excitement in France. With the alliance safely secured, the French ministry lightly speculated upon their reception; considered the proposals to negotiate with assemblies and individuals primary evidence of duplicity, which would be defeated by the able leaders of Congress; and rightly concluded that the only offer "which can make an impression on the Americans is that of the suspension of hostilities." [65] Congress, unable to accept the offers without betraying its constituents, would reject them without hesitation.[66] The report in France that Lord

[61] Franklin to David Hartley, February 26, 1778, *ibid.*, 107–08.

[62] *Ibid.*

[63] George III to North, March 26, 1778, in Fortescue, *Correspondence of George III,* Vol. IV, 80.

[64] A reply he had formed in 1776, in Smyth, *Writings of Franklin,* VII, 452.

[65] Noailles to Vergennes, February 19, 1778, in Stevens, *Facsimiles,* no. 1867.

[66] Vergennes to Noailles, February 28, 1778, *ibid.*, no. 1876.

North, through his proposals, implied that independence would not prevent a reconciliation,[67] troubled Stormont, who was trying to "lessen the sensation it causes, and to persuade us that it does not and cannot belong to Lord North's principles to grant independence to the Americans." [68] Conciliatory measures could not solve the crisis faced by England; America had experienced independence too long to yield to them.[69]

The American commissioners at Paris knew Congress would ignore the peace offers, but they asserted that a quick rejection would stabilize America's credit abroad and expedite the formation of treaties.[70] William Lee, American agent in Europe, declared that an idiotic and wicked ministry could succeed only through bribery. If its agents were once admitted to Congress, supplied with nearly a half million guineas, serious injury might result to the American cause.[71] Only when England removed all her troops from America would it be safe to accept a cessation of hostilities. Meanwhile, despite the coming of commissioners, Clinton received information that

> his Majesty does not think fit to slacken any Preparation which has been judged necessary for carrying on the war, it being His Majesty's firm purpose to prosecute it with the utmost vigor in case the colonies shall obstinately persist in their refusal to return to their allegiance, and pay obedience to the constitutional authority of government.[72]

In a warship, dispatched for the express purpose, North sent his conciliatory propositions to America before their final

[67] Stormont to Weymouth, February 25, 1778, *ibid.*, no. 1871.

[68] Vergennes to Noailles, February 28, 1778, *ibid.*, no. 1877.

[69] Vergennes to Noailles, February 28, 1778, *ibid.*, no. 1876.

[70] American commissioners at Paris to Committee of Foreign Affairs, February 28, 1778, Sparks, *Correspondence of the American Revolution*, II, 370.

[71] William Lee to the President of Congress, February 28, 1778, *ibid.*, 301.

[72] Germain to Clinton, March 8, 1778, in Stevens, *Facsimiles*, no. 396. The fact is also noted in the *Connecticut Journal, and New-Haven Post-Boy*, April 19, 1778.

passage in the House of Commons.[73] Feeling the Americans desired nothing more than the security of their liberties under the British constitution, Germain thought negotiations would immediately begin and proceed so far before the season would admit of military operations as to make unnecessary another campaign.[74]

With the few amendments already discussed the conciliatory bills passed without further change and the government instructed Lord Howe and General Howe to distribute them throughout America. To Germain the most important concessions were the repeal of the Tea Act and the Massachusetts Government Act, which should "have the desired Effect of inclining those who have been unhappily engaged in the present Rebellion to return to their allegiances." [75]

On April 14 the first draft of the conciliatory propositions reached New York. By the King's order Governor Tryon published the proposals, adding on his own account North's introductory speech, and sent handbills to various leaders in America requesting them to print and distribute extra copies. This aroused an immediate opposition. Even Henry Laurens took the trouble to warn Richard Caswell, Governor of North Carolina, that "Your Excellency has been or will be insulted in the same way by some other Tool of the British Ministry." [76] Colonial leaders generally refused to comply and forwarded the handbills to the state assembly. General Sullivan of Rhode Island replied that the people acknowledged no authority but that of the civil magistrates, the state legislature, and the Congress. The state legislature, not the army, could alone comply with the request. Had the British government

[73] Germain to William Howe, February 18, 1778, in *Stopford-Sackville MSS.*, 93.

[74] Germain to Clinton, March 8, 1778, in Stevens, *Facsimiles*, no. 1062. That he had little hope in the successful issue of the peace proposal was revealed in the rest of the letter which contained an elaborate explanation of the coming campaigns.

[75] Circular letter of March 11, 1778, *ibid.*, no. 1059.

[76] Letter of April 27, 1778, in Burnett, *Letters of Members of . . . Congress*, III, 193.

made similar offers to the supreme authority of America before the war or even prior to the declaration of independence and the French alliance, "they would have been accepted with sentiments of gratitude. But at this time, all proposals, except for a peace upon honorable and equal terms, must be ineffectual." [77]

Observing that two supreme authorities usually framed peace terms, Governor Trumbull of Connecticut, with a note of keen sarcasm, declared the "present is the first instance, within my recollection, where a vague, half-blank, and very indefinite draft of a Bill, *once* only read before *one* of *three bodies* of the Legislature of a nation, has ever been addressed to the people at large of the opposite power, of an overture of reconciliation." [78] The day had passed irrevocably when such a step could be joyfully acclaimed. If England sincerely desired peace, it should address its proposals to the proper authority and conduct its negotiations honorably.[79]

The General Assembly of Pennsylvania resolved that Congress had exclusive authority to treat with the King of Great Britain or his commissioners concerning a peace between the two countries. Any person who tried to make a separate agreement would be considered an enemy of the United States, and even Congress could not surrender the sovereignty and independence of that state without its own consent. Ready to yield life and property for the sake of the state, the assembly recommended that the supreme executive council of Pennsylvania prepare the militia for action.[80]

To defeat the purpose of the conciliatory propositions, the leaders of America exerted their utmost efforts. Genuinely aroused, they seriously feared the effect of sweeping concessions on people not too active in the cause. Washington, as well as many others, at first believed the bills a forgery of

[77] Reply of April 27 to General Pigot, the British officer at Newport, Rhode Island, in Sparks, *Correspondence of the American Revolution,* II, 114–15n.

[78] Governor Trumbull of Connecticut to Tryon, April 23, 1778, *ibid.,* 115–16n.

[79] *Ibid.*

[80] Resolutions of May 25, 1778, in *Pennsylvania Evening Post,* June 16, 1778.

Philadelphia manufacture.[81] April 21 he wrote that the enemy had begun to play a game "more dangerous, than their efforts by arms . . . , and which threatens a fatal blow to the independence of America, ... They are endeavouring to ensnare the people by specious allurements of peace." [82] Acutely aware of the difficulty of maintaining an army, he urged renewed effort:

> It will require all the skill, wisdom, and policy, of the first abilities of these States, to manage the helm, and steer with judgment to the haven of our wishes through so many Shelves and Rocks, as will be thrown in our way. This, more than ever, is the time for Congress to be replete with the first characters in every State, instead of having a thin Assembly, and many States totally unrepresented, as is the case at present.[83]

The uncertainty of the Franco-American alliance caused the revolutionary party to fear the effects of North's peace efforts. Lafayette urged the adoption of vigorous measures to offset enemy reinforcements and the British commissioners, whom he feared more than ten thousand men.[84]

Until America was certain of the alliance with France, a feeling of intense anxiety existed among the leaders; for it would be more difficult to reject British offers without assurance of foreign aid. James Lovell wrote: "Imagine how solicitous we are to know the truth of this before we receive any proposals from Britain in consequence of the scheme in Ld. North's speech and the two Draughts of Bills now sent to you." [85] Gouverneur Morris, however, thought Great Britain

[81] Washington to President of Congress, April 18, 1778, in Ford, *Writings of Washington,* VI, 474–75.

[82] Washington to John Banister, April 21, 1778, *ibid.,* 480.

[83] Washington to John Augustine Washington, May (?), 1778, in Fitzpatrick, *Writings of Washington,* XI, 501.

[84] Lafayette to Washington, April 25, 1778, in Ford, *Writings of Washington,* VI, 482–83n.

[85] James Lovell to the American commissioners at Paris, around May 1, 1778, in Burnett, *Letters of Members of . . . Congress,* III, 208.

seriously means to treat. Our affairs are most critical, though not dangerously so. If the minister from France were present as well as him from England, I am a blind politician if the thirteen States (with their extended territory), would not be in peaceable possession of their independence three months from this day. As it is, expect a long war.[86]

No time was lost in getting the bills to Washington, who received them April 17. The next day he sent them to Congress, with the news that a large cargo of them had just been sent out of Philadelphia. Fearing the results of their distribution, he recommended a thorough investigation and urged Congress to expose their injustice, delusion, and fraud to the public in the most striking manner. Though they had just passed their first reading, he felt sure they would be made into law.

Washington advised Congress, April 21, to publish the bills in papers friendly to Congress and to American independence. Again he expressed the hope that persons of leisure and ability would set to work to counteract their influence:

As the propositions and the speech of Lord North must be founded in the despair of the nation of succeeding against us; or from a rupture in Europe, that has actually happened, or certainly will happen; or from some deep political manoeuvre; or from what I think still more likely, a composition of the whole, would it not be good policy, in this day of uncertainty and distress to the Tories, to avail ourselves of the occasion, and for the several states to hold out pardons &c. to all-delinquents returning by a certain day? They are frightened, and this is the time to operate upon them.[87]

Such a measure would detach Tories from the enemy and save much public treasure. April 23 Congress adopted his proposal.[88]

[86] Gouverneur Morris to John Jay, April 28, 1778, *ibid.*, 199.

[87] Washington to John Banister, April 21, 1778, in Ford, *Writings of Washington,* VI, 488–89.

[88] *Journals of Congress,* X, 382.

The Virginia delegates to Congress, April 21, told Patrick Henry, then Governor of Virginia, the North bills were insidious, a mere political stroke:

> Respecting this proposal and scheme of the enemy whether it be genuine from parliament, or a production of General Howe's we have only to observe that it may mislead the ignorant and alienate the minds of the wavering unless it is made public and with its publications such strictures are made upon the probable effects of it as may contribute to place the subject in its true light before the people.[89]

Congress thought the bills, soon to become a law, were based on despair. Although it feared the result of the measures on the undecided, it interpreted them to imply that the ministers realized their inability to conquer America and planned to grant independence if this final peace effort failed.

Samuel Adams was among the first to note the danger involved in the offers. Destructive of American unanimity and insidiously meant to delude America, they should be rejected before the British commissioners arrived, to avoid unnecessary offense to friends in Europe. As "artful Tories" were present everywhere to distract the minds of the people, would it not be wise for Congress in an answer of its own "to set this important Intelligence in a clear Light before them, and fix in their minds the first Impression in favor of Truth?" [90] Denying the Loyalist rumor that almost a majority of Congress favored reconciliation,[91] Adams and Lord Abingdon must have given full approval to the reply of Congress, drawn up by Gouverneur Morris and adopted April 22.[92]

The reply of Congress explained why North's bills would

[89] Burnett, *Letters of Members of . . . Congress*, III, 181.

[90] Samuel Adams to R. H. Lee, April 20, 1778, in Cushing, *Writings of Samuel Adams*, IV, 22–23.

[91] *Ibid.*

[92] Henry Laurens to Washington, June 8, 1778, in Sparks, *Correspondence of the American Revolution*, II, 134.

become law and advised the people to publish them. Owing to a mistaken idea of his dignity and importance and to a want of information, General Howe had tried during the past winter to secure a treaty. The ministers thought a suspension of warfare would check colonial preparations for defense; Americans, tired of war, would accept the terms for the sake of peace; and negotiations in America might yield to the same corrupt influence that prevailed in Parliament. Their intention was to prevent foreign assistance, persuade Englishmen to continue the war a little longer, and divide America. However, the King might need his forces to defend Great Britain. If so, he would be glad to end the war with America on any terms.

Such concessions proved that England could not live up to past assertions. Parliament had not been able to bind the Americans in all cases whatsoever, despite its declared intention to exercise that right. Nor had force succeeded. The King, who had formerly rejected American petitions, now sought peace by negotiation. What had happened to the policy of unconditional submission? The ministry had constantly considered it inconsistent with the honor and dignity of the nation to treat with armed rebels.

The following incidents showed the insincerity of the ministry. Parliament did not renounce the right to impose taxes within the states, and if Congress treated under the bills, it would indirectly recognize the right. The proposals, when approved by Parliament, either would or would not renounce the right of taxation. If renounced, Parliament would acknowledge the needless sacrifice of lives in an unjust quarrel; if not, the peace offers merely intended to seduce America into terms, for which neither argument nor force could obtain approval.[93] If America recognized the right of taxation, by treating with the commissioners, a future Parliament might resort

[93] Reply found in *Journals of Congress*, X, 377. According to the *Journals of Congress* this reply was unanimously approved. *Ibid.*, 380. It was the only official answer given North's bills.

to it again. Men's intentions could not be trusted. The first bill resembled that of February 20, 1775, except that the former suspended taxation as long as the colonies would give as much as Parliament wished, while the present measure promised to suspend taxation as long as future Parliaments agreed with the present one.

Congress opposed the final reference of all decisions to Parliament. The offer of pardons implied that colonial resistance was a crime and every patriot a rebel. Separate negotiations with individuals and the several states aimed to deceive America. Therefore, America could not confer unless England, as a preliminary, either withdrew its forces or acknowledged the independence of the United States. To offset the base design of the ministry, Congress urged the states to have their respective quotas of troops in the field as soon as possible and to keep their militia ready for any action.[94]

At first this reply won scant approval, but slowly the members of Congress liked it more and more. At least it would make very effective reading in the newspapers beside the offers of conciliation. Many feared that so sharp a rebuff would keep the British commissioners from coming at all. Independence was not a closed question in 1778. Wide skepticism as to its success disturbed men like Washington and led them to exert their greatest energies to defeat the peace proposals.[95] Encouraged by the reply, Henry Laurens said it would blot out pages of the British instructions to the commissioners, who would "perceive a necessity for taking a new departure from the Tower of Independence," and, because of the Franco-American alliance, for shaping a new course.[96] Henceforth, the reply was a ready and effective answer to all requests for negotiations.[97] It gave as much joy to American agents in Eu-

[94] *Ibid.*, 379–80.

[95] An excellent short discussion is found in Burnett, *Letters of Members of . . . Congress*, III, xiv–xvi.

[96] Henry Laurens to Washington, May 5, 1778, *ibid.*, 220.

[97] Laurens to Clinton, May 6, 1778, in Stevens, *Facsimiles*, no. 1097.

rope as the arrival in New York, May 2, of the treaty of alliance brought the United States.[98]

Against this reply "A British Officer" wrote a stinging rebuke, in which there was more of passion than logic. He reviewed the past periods of American prosperity, the "poisonous" efforts to stir up jealousies, and America's loss of freedom since the war began. His chief aim was to drive a wedge between Congress and the public. The American delegates to the Staten Island conference had deceived the people by reporting that Lord Howe had no terms to offer; a small minority had secured the declaration of independence; and a few selfish leaders had now framed the Franco-American alliance to perpetuate their own authority. Congress feared a cessation of hostilities because the people, once the war had stopped, would oppose its renewal. If corruption were Britain's only means of securing peace, why were the offers based on acts of Parliament? [99]

To Governor Tryon's request to distribute the North bills among his officers and soldiers, Washington, informed of the answer of Congress, replied April 26. He assured the governor that he would circulate widely the bills throughout his army, in whose fidelity he had implicit confidence, and he enclosed the Yorktown *Gazette* of April 24, stating the desire of Congress for an unlimited circulation of the bills. In return for this compliance, he asked the governor to use his efforts in spreading the reply of Congress: "The benevolent purpose it is intended to answer will, I persuade myself, sufficiently recommend it to your candour." [100]

The New Jersey *Gazette* declared the bill on the subject of taxation amounted

[98] Committee of Foreign Affairs to American commissioners at Paris, May 14, 1778, in Sparks, *Correspondence of the American Revolution,* I, 389–90. See also, Burnett, *Letters of Members of . . . Congress,* III, xv–xvi.

[99] An address "To the People of America," printed widely in American newspapers. The source here consulted is Stevens, *Facsimiles,* no. 1112.

[100] Ford, *Writings of Washington,* VI, 493.

to the old nauseous dish (which no honest American could ever swallow) with a little amendation in the cookery and sauces, ... What renders this nonsensical manoeuvre still more ominous is, that General Tryon (and by the name of governor too) certifies them to be true copies! Surely the ministry might have found a more proper person for that purpose than the most obnoxious of all obnoxious animals by his professed declarations in the pleasure he takes in burning, kidnapping, and every species of desolation. And offering pardon too—consummate impudence! Who wants and will stoop to accept of a pardon for defending his country against the most villanous tyranny that was ever devised by the art of man? DIVIDE AND RULE. But America has too much sense to be gulled.[101]

John Mathews, a delegate to Congress from South Carolina, pointed out the impudence of Tryon and praised Washington for his answer. When the bills were posted in Philadelphia the British officers tore them down, swearing they had been cheated; for they had been promised a victory over the rebels and a division of rebel property among themselves. Mathews thought the bills an attempt to throw dust in the eyes of the American people.[102]

The American leaders and newspapers spared neither British terms nor leaders. They condemned Lord North as a desperate father, reduced to the sad state of one left to ponder a different fate. An irate and needlessly oppressed people would know when

you stand at the end of your career, with the curses of thousands on your head; with a firm belief in the mind of everybody, that your political samplar has been an alphabet of lies from top to bottom; that you have been false without courage, lamented without sincerity, asserted without grounds, and ruined without remorse.[103]

[101] From the Burlington *New Jersey Gazette*, April 23, 1778.

[102] John Mathews to Thomas Bee, April 26, 1778, in Burnett, *Letters of Members of . . . Congress*, III, 190.

[103] "Sidney" to Lord North, taken from the London *General Advertiser*, April 2, 1778, and printed in the *Continental Journal and Weekly Advertiser*, July 16, 1778.

"Camillus" was glad Lord North had at last awakened to a true realization of the state of affairs. Had he consulted Congress and followed its advice, he would have avoided such a "humiliating acknowledgement." To talk of pardons was an insult to freemen, but "the beam on which were suspended the fate of both countries, has at last turned in favour of America. The scale has not, it is true, yet reached the ground, but it is hastening thither with great rapidity." [104]

Americans continued to criticize the proposals although one writer advised Parliament to use force if America rejected the conciliatory propositions as being "inconclusive, indeterminate, incomparible, incongruous, inscrutable, indefinite, impertinent, or inconsistent." [105] He wanted to defeat the rebels, cut them off from the world, and crush France. England should erect a chain of forts and station ships near-by from Halifax to St. Augustine to cut the colonies off from all wheat and tobacco supplies. Nevertheless, "Hortentius" considered it a subtle trick to prolong the reign of unrepresentative ministers, based on the realization of America's invincibility.[106] He wrote that England's final attempt should not seduce her to complete the ministerial drama and expose herself to the ridicule of all mankind by accepting the snare of reconciliation.[107] North's introductory speech received a good drubbing in the American newspapers. "Marcus: brutus" declared that the terms formerly sought in America had been made unacceptable by the course of events before 1778. A restoration of conditions prior to 1763 was more desirable in 1775, because "then we were without government, without men, without public funds, without military stores." [108]

104 "Camillus" to Lord North, in the *New Jersey Gazette,* April 29, 1778.

105 Sent in by a customer from the *Sycophant's Gazette,* printed in the New Haven, Connecticut, *Independent Chronicle & Universal Advertiser,* April 30, 1778.

106 "Hortentius," in the *New Jersey Gazette,* May 6, 1778.

107 *Ibid.,* May 13, 1778.

108 "To the People of America," in the *Independent Chronicle & Universal Advertiser,* May 7, 1778.

Sufficiently assured of their strength after one campaign, the colonies instructed their delegates to Congress to declare independence. Events prior to 1778 made insolent any British hopes of peace short of the terms announced in the reply of Congress. North ought to have known that his offers came too late.[109] Although America could forget the injuries suffered in the war and accept a reunion, it would be "impossible for human wisdom to draw the line of dependence, so accurately; but that there would be a field open for perpetual discussion and alteration; which must soon precipitate us into fresh convulsions." [110] "What has been the language and the conduct of Administration for years past?" asked "Trismegistus." " 'The omnipotence and supremacy of Parliament'—'Unconditional submission'—'Bring them to our feet'—*'Delenda est Carthago'*—'Substantial revenue,' and a deal more of such bouncing nonsense." [111] After calling the Americans cowards, poltroons, and savages afraid to fight, North reversed his position and retraced his steps, "swallowing as he goes, those very threats, still vibrating in the air, with the whole pack in full cry close behind him, as hastily and as loud as if their leader had never changed his course." [112]

A report that Lord North had stated that, if America insisted, it might be expedient to grant independence, inspired the following comment: "you have but to ask, and you shall have it.—O thou head of wrongheads." [113] Lord North was the subject of many poems, and his inability to conquer America, as he had boasted he could do, drew forth this pleasing consolation:

Old England alas!
They have brought to such pass,
Too late are proposals extant;

[109] "Phil-Aristides," in the *Continental Journal and Weekly Advertiser,* May 7, 1778.

[110] *New Jersey Gazette,* May 13, 1778. [111] *Ibid.,* May 20, 1778.

[112] *Ibid.*

[113] Published in the *North Carolina Gazette,* August 7, 1778.

America's lost,
Our glory at most
Is only that—tyrants recant.[114]

The radical papers continued to spread the report that independence would be granted if reconciliation failed. In August, 1778, a handbill, supposedly written by request of Lord North and spread throughout the land, stated that as long as any hope of preserving the colonies remained, England could not acknowledge their independence. If Britain granted independence as a preliminary, America would immediately break off the negotiations, use the first concession to urge other nations to trade with them, and avoid British seizure of foreign ships on American coasts. But these possibilities now mattered little; "all hope of conquest is . . . over. America stands on high ground; France and England must now court her." [115] Peace was impossible except by an act of Parliament granting independence; further pretention of authority over the United States would only strengthen its alliance with France. The only solution was to stop the war and concede independence to America.

The British Army indignantly opposed North's degrading concessions. By this time everyone had become a partisan in the contest, and both sides believed that only unconditional submission or independence could stop the war. The Army's disappointment was even greater when it discovered that the bills were the substitute for the 20,000 soldiers they had expected.[116]

On the other hand, the Loyalists, making their last fight, praised the bills highly. Such generous concessions needed but to be known to be accepted! Congress could not be unaware of their great liberality. Were the colonists independent and at peace with all the world, the protection and assistance

114 From a long poem, "On Lord North's Recantation," in the *Pennsylvania Evening Post,* June 20, 1778.

115 Handbill printed in the *Connecticut Courant,* September 1, 1778.

116 *Annual Register,* XXI, 216 *et seqq.*

of England would benefit America more than any mercenary alliance with a foreign court.[117]

The concessions of 1778 would have made America a nominal dominion of England with a mutual relationship somewhat similar to that now existing between England and Canada. Urged by absolute necessity, the ministers conceded what they had for fifteen years refused, and what the colonies had fought three years for. They had failed to adopt the policy suitable to the immediate occasion—if such a policy were possible. They had been inflexible when they should have yielded, and pliant when too late. Unable to guide events, they were dragged along by them. They did not take the long view of the issue, but merely attempted to solve the problems of the moment without reference to the consistency of their measures. However genuine may have been the motives of Lord North, he never seemed fully to satisfy either the party of coercion or of reconciliation and found it impossible to pursue a middle course. To say that his concessions proved that he recognized and accepted his responsibility for the war, and that England thereby declared she had been in error for the past fifteen years was to beg the question. A war reveals necessities which human wisdom cannot possibly foresee and, before its initiation, anticipate. Coercion had not succeeded and future prospects gave no reason for hope. Regardless of other motives, Lord North was left to make either a final offer of reconciliation or follow a policy of fatal indifference, which the urgency of the situation made impossible. Since the time of the passage and repeal of the Stamp Act, England had vacillated between conciliation and coercion. The offers of 1778 climaxed that unfortunate and unwise policy. "Too late" was a true objection to the concessions, but they proved that the British government finally became aware of what a reunion would have demanded.

[117] Frank Moore, *Diary of the American Revolution*, 2 vols. (New York, 1863), II, 98 *et seqq.*

Perhaps it is not clearly understood that Britain's policy of vacillation between coercion and conciliation did not end in 1770 with the repeal of the Townshend program. This effort at conciliation soon yielded to a more determined policy of coercion after America destroyed the tea landed at Boston. However, North's plan of 1775 and the Howe Commission of 1776 witnessed another reversion toward conciliation, simultaneously with the military efforts to crush the rebellion. In fact, Britain's efforts to carry on the war were hindered by the division in the nation and in Parliament between those who advocated unconditional submission and those who favored renewed efforts at conciliation. Certainly it was not easy for Englishmen to swallow their pride in 1778 and try seriously to conciliate rebels. The fact remains, however, that they did just that.

CHAPTER X

THE CARLISLE COMMISSION, 1778

DESPITE the Franco-American alliance, Lord North thought the conciliatory bills of February 17, 1778, had a chance of success in America. Congress had not signed the treaty and in his opinion the colonists, even at that late hour, desired reconciliation with the mother country. Regardless of the benefits of an accommodation to America, the King still thought colonial leaders aimed solely at independence. The majority of Englishmen thought their government's protection of America the best reason for a reunion, but the colonists believed greater issues at stake. Colonial advocates of separation, doubting the sincerity of this final peace offensive, were now reinforced by foreign assistance and the confidence born of victory in war.

The choice of the commissioners caused no great concern to the ministry, and an ostensible indifference made itself apparent in the manner of their selection. William Eden, one of the commissioners, declared that the men chosen should be members of Parliament, known to both Houses. One should be acquainted with all the points in dispute and the interests of the commission, and capable of understanding "the nicety of the several propositions." Another should have firmness and strength of mind; all should be of "conciliatory manners." None should be known to have made in Parliament any statements totally inconsistent with an accommodation honorable to both sides. They should be men of family weight and consideration, including one lawyer, one person from the moderate opposition, and one member from Scotland.[1]

[1] "Minutes concerning the Choice of Persons to be appointed Commissioners to negotiate with America, with a list of names suggested," about February 23, 1778, in Stevens, *Facsimiles*, no. 374.

When George III at length appointed the commissioners to America, he had little hope of their success. To head the commission he chose Frederick Howard, fifth Earl of Carlisle, who accepted the position February 22. This young man was not quite thirty at the time of his appointment and had had little political experience. A schoolfellow of Charles James Fox, with whom he had shared a good many scrapes, Carlisle had just begun to mend his ways. Though a man of lofty ambition and unblemished honor, he had never been taken seriously by London as a statesman, because the variety of his wardrobe and his losses at cards were the chief sources of his renown. In Eden's opinion Carlisle was well "disposed & very practical," [2] but "Cato" thought the ministry reduced to a distressing situation when obliged to accept such a "Bepowdered Fop." Referring to the commission in full, he declared that the sober and wise members of Congress would "treat these perfumed and powdered puppies with contempt." [3] Despite having become a privy councilor, Carlisle seemed too young for a plenipotentiary, "and the general opinion concerning him was summed up in the verdict that he was a very fit Commissioner for making a treaty which would never be made." [4] He was well educated, however, and perhaps the best result of his journey was his description of American life, which he recorded while there. This much he did for posterity, says Trevelyan, "while it is absolutely certain that, as far as the public object of his mission to America was concerned, the most experienced diplomatist in Christendom could have achieved nothing but failure." [5]

The next appointment was that of William Eden, who accepted the position March 5. Though educated as a lawyer and a member of the bar, his lack of oratorical ability checked his progress. He became known as a man of talents by writing

[2] Eden to Morton, March 6, 1778, *ibid.*, no. 390.

[3] A broadside by Cato from a report from London of March 9, printed in the *Connecticut Courant*, August 4, 1778.

[4] Trevelyan, *The American Revolution*, Part III, 358. [5] *Ibid.*, 359.

a famous treatise upon criminal law. Wedderburn secured for him the position of undersecretary to Lord Suffolk, who, becoming very fond of him, procured for him a pension, a seat in Parliament, and the auditorship of Greenwich hospital. But these limited positions failed to satisfy his ambitions. To cultivate the friendship of Lord North he took a house in Downing Street near the home of his Lordship, and when Robinson, the undersecretary to North, was ill he fulfilled the duties in his stead without leaving his post with Suffolk. When Robinson recovered, Eden was appointed a Lord of Trade. He carried on a vast foreign secret correspondence and was the confidential friend and intimate of Lord North, as well as a pander to his amours. When the measure to appoint commissioners was adopted in 1778, Eden, anxious for any advancement, procured one of the positions. Wedderburn, who prepared the instructions, desired that he share in the negotiations. Though Carlisle was the nominal head, Eden virtually headed the commission. The friends of the administration paid him great attention and the other commissioners believed that he was in on the secrets of the ministry. Yet, when it was discovered that he had not been informed of the orders for the evacuation of Philadelphia, which preceded the commissioners to America, his prestige suffered. He felt the blow so keenly that he wrote a series of letters to Wedderburn [6] and Lord Germain [7] which clearly showed that he was an ambitious upstart. He then lost his office on the Board of Trade and the administration tried every means to get rid of him.[8]

By virtue of their commands in America, the Howes were both included in the commission, but General Howe withdrew before the commissioners arrived in America, and Lord Howe resigned his commission on June 7, leaving the country

[6] Eden to Wedderburn, June 18, 1778, in Stevens, *Facsimiles*, no. 500.

[7] Reference in Germain's answer to Eden, July 31, 1778, *ibid.*, no. 511.

[8] This sketch of Eden's life is in *Reports on MSS. in Various Collections*, VI, 265–67.

shortly thereafter.[9] Both of them were given options to resign their commissions or to take a leave of absence, but until they used one of these means the King retained them on the new commission. For George III not to have done so would have been an affront to their earlier service.[10] The uncertainty as to who would be the commander-in-chief when the commissioners arrived in America caused great embarrassment. Secretly, the King sent instructions that whoever had the command when they arrived was to join the commission as an active member.[11] This arrangement was probably suggested by Eden, who wished to avoid waiting for the formation of a new commission in case General Howe withdrew while the commissioners were on their way to America. Sir Henry Clinton replaced General Howe, but his share was a passive one. In fact, he thought this conciliatory plan was made solely to frustrate the Franco-American alliance. In his unpublished history of the period, he wrote:

But as soon as that Event [the Franco-American alliance] was announced in form by the French Court, Administration seems to have relinquished all thoughts of reducing the rebellious Colonies by Force of Arms and to have determined to trust the Decision of the Quarrel to Negociation; that the collected strength of the Realm might be more at Liberty to act against this new Enemy. Consequently nothing remained for me to do but to accommodate myself to the present views, and to prepare to forward them in the best manner I could, without exposing His Majesty's Arms to Insult in the Course of the Arrangements I should adopt for that purpose.[12]

[9] Lord Howe to Commissioners, June 7, 1778, in Stevens, *Facsimiles,* no. 1099; their reply, *ibid.,* no. 1100. Lord Howe said that "by the impaired State of my Health, . . . I have been induced, as most for the Benefit of His Majesty's Service, to decline engaging further in the weighty and important Object of His Majesty's Commission." Lord Howe to Germain, June 10, 1778, in London Public Record Office, Colonial Office, V, 177.

[10] North to Newcastle, March 3, 1778, in the Clinton MSS., CXXXVIII.

[11] Germain to Clinton, April 13, 1778, *ibid.,* CXLVI.

[12] Sir Henry Clinton, "An Historical Detail of Seven Year's Campaigns in North America from 1775 to 1782," 3 vols. (Unpublished manuscript written in the 1790's. In William L. Clements Library), I, 101.

For the other place a Mr. Richard Jackson was selected, but he proved unsatisfactory for the mission. He despaired of its success and demanded permission to return home if Congress refused to accept the first overtures for peace.[13] Appointed at the request of Eden, his accurate knowledge of America and his long acquaintance with its interests were to offset the insignificance of his situation and the obscurity of his name. When the commissioners met with North, March 29, Jackson hemmed and hawed about little things and was such a pest that the ministers eagerly seized the first chance to remove him. He had excellent intentions, said Carlisle, but he would have driven the other commissioners mad with his doubts and digressions.[14] In his place the government appointed George Johnston, who had served in the British navy and in 1763 had been governor of West Florida.[15] In the House of Commons he had continually advocated the cause of American rights and was the only commissioner having any wide acquaintance with the leaders in America. He accepted the position April 1.[16]

One Englishman, in summary, declared the commission a farce, a burlesque upon the nation, a mockery of authority, and an insult to America. "To repeal acts which could have no effect, is laughable: and to expect men advanced so far and so well supported, to return to their private stations is equally ludicrous." [17] Carlisle was blessed

with a disposition the most amiable, with good abilities and an excellent heart, but he was too young for a delegation which

[13] North to George III, April 1, 1778, in Fortescue, *Correspondence of George III,* Vol. IV, 91–93.

[14] Carlisle to Ekins, an old friend, containing a summary of his stay in America, [n.d.], Historical Manuscripts Commission, *The Manuscripts of the Earl of Carlisle, Preserved at Castle Howard,* Fifteenth Report, Appendix, Part VI (London, 1897), 377–78. Hereafter this volume is referred to as *Carlisle MSS.*

[15] Dunbar Rowland (ed.), *Mississippi Provincial Archives* (Nashville, 1911), I, xix.

[16] *Carlisle MSS.,* 337.

[17] A pamphlet, *A Plan of Reconciliation with America,* 21.

required the greatest gravity, experience and political address. His dear friend, with more plausibility than political knowledge, was still more unfit for the business of negotiation and reconciliation with the shrewd Americans. And the Governor was absolutely a burlesque upon the Commission.[18]

On March 13 the commissioners met for their first discussion. Little of importance occurred and Carlisle came away without any very great enthusiasm. He was by no means edified by the conversation, and not a little bit shocked at the slovenly manner with which an affair so serious in its nature had been dismissed. He soon discovered the reason for the indifferent haste with which everything was conducted, for on that day the administration had discovered their error with regard to the intentions of France. The French ambassador, Noailles, had received orders to fling off the mask, and he virtually told the administration that there was little left to be done but to form a commercial treaty similar to the one actually concluded between France and the United States. Carlisle wrote: "From this period so many clouds began to spread around us, that I had my doubts for some time whether the idea of sending Commissioners from England was not, and ought not to be, totally abandoned." [19]

The instructions to the commissioners, which covered thirty-two large folio pages, revealed the whole plan of the King.[20] They were ordered to rush to America and present their credentials to General Howe. They could give guarantees that, as soon as peace was secured, American commerce would be protected. "We authorized you to admit of any claim or title of Independency in any description of men,

[18] *Ibid.*, 20.

[19] *Carlisle MSS.*, 377. The official records and correspondence of the Carlisle Commission are found in the London Public Record Office, Colonial Office, V, 180–81. However, wherever possible more available sources are used.

[20] Instructions found in *Carlisle MSS.*, 323. Also see, "Heads of Accommodation" submitted by Johnston, May 6, 1778, and Carlisle's observations upon them, in Stevens, *Facsimiles*, nos. 68 and 69.

during the time of treaty, and for the purpose of treaty." [21] If America, doubtful of British sincerity, opposed referring final decisions to Parliament, they were to stress the concessions already made in the conciliatory acts and their powers of suspending acts of Parliament objectionable to the colonists. They were instructed to note and encourage every desire of the colonies or individuals to revert to their former allegiance. Allowed to appoint new colonial governors, they were told to use caution lest the friends to peace take offense. However, if Congress and other groups refused to comply with their offers and all hope of reunion vanished, they were to issue a final proclamation to the American people recounting British attempts at reconciliation.[22]

The question of the suspension of arms was left for determination upon the spot. It did not seem necessary, however, that the first overtures for this should come from Great Britain. As part of the instructions an elaborate plan for an armistice was drawn up. England proposed a restoration of conditions existing prior to 1763; voluntary contributions by America for imperial burdens; and colonial freedom from parliamentary taxation. There was to be relaxation of the principle of parliamentary legislative supremacy. The colonists were to have a greater share in their government, such as the popular election of governors and their own customs officials. Restraints on admiralty courts and appointment of judges during good behavior were allowed. Any relaxation of the Navigation Acts would, however, mean no further grant of bounties. The colonies could have a representation in Parliament, and Parliament would recognize the priority of Congress over American affairs. Abolition of quitrents and claims for arrears, and unqualified pardon for all persons

[21] *Carlisle MSS.*, 323.

[22] The commissioners realized the many problems that would face them in America. Eden wrote in his memorandum that they would have to act alone. No Secretary of State or Parliament would be available to offer advice and make suggestions; it would be difficult to shift responsibility. Note of April, 1778, in the Sackville MSS., 1778.

were assured. Near-by places could be chosen for trials of those accused of treason in the future. North's face-saver for colonial leaders was to assume tacitly, not formally, the renunciation of the Declaration of Independence at the conclusion of the treaty. Election of delegates to Congress by the colonial legislatures as provided in the Articles of Confederation could continue. All matters not touched upon in the instructions were to be referred to Parliament, but a truce with common retention of territory then held could be arranged while negotiations were underway. Meanwhile, the Restraining Act would be suspended to allow trade in British ships between the colonies and England and in ships of the colonists of Rhode Island, New York, and Beaufort. All privateers, warships, and vessels of nations hostile to England were to leave American waters. Loyalist property must be protected and restored. All colonial obligations to English citizens incurred before August, 1775, would have to be paid. Standing armies in America in peace time could be discarded if the colonies would supply their own troops. Changes in provincial governments and charters were not to be made except by popular consent. However, England emphatically refused to assume the responsibility for redemption of colonial paper money and the financial burdens assumed by the colonies in the war.

That these instructions showed liberal concessions is beyond doubt. They yielded the point of taxation and showed a willingness to consider modifications of the Declaratory Act. Perhaps had the negotiations with Congress been carried out and the American commissioners insisted on the renunciation of the legislative supremacy of Parliament, this right would also have been yielded and a plan of union agreed upon whereby the only political bond between the two countries would have been a common allegiance to the King. The two legislative bodies would have been equal and independent in their own jurisdiction. Naturally, Parliament would have retained the power to regulate trade for all the empire for

imperial not British advantage alone, but this did not mean that Congress would have suffered any loss of power thereby over strictly American affairs. However, what were or were not strictly American affairs would have disturbed British-American relations as has the question of state versus national authority since 1789. The recognition of Congress was a virtual renunciation of the legislative supremacy of Parliament over the internal affairs of the colonies. These instructions showed that England was at last awaking to the fact that America was a nation, strong and powerful, beyond the possibility of British subjection.

As soon as the peace commission was made public, almost every individual who had property, interest, or friends in America bombarded the commissioners with petitions, requests, and offers of assistance. Apparently they expected the peace agents to care for every private grievance and complaint against America.[23] The merchants of Glasgow feared the results if the Americans were allowed to pay their debts in the paper currency issued since the war began, and declared their loss would be "so exceedingly heavy that many of them may be expected to sink under it." [24] The London merchants sought relief from impending ruin threatened by confiscation of property, cancellation of debts, and inflation of the colonial currency and requested that the commissioners be instructed to conclude no peace until each colony agreed in explicit terms to provide for the full discharge of all debts incurred prior to January 1, 1776.[25]

Prominent individuals were sent to America along with the commissioners.[26] Of this group was a Mr. Temple, who

[23] For illustrations of these see Stevens, *Facsimiles*, nos. 1090 and 1091.

[24] A memorial of the Glasgow merchants who carried on trade with the colonies in North America, March, 1778, *ibid.*, no. 1060.

[25] Petition of March 10, 1778, *ibid.*, no. 1063. See a petition from Georgia of a similar nature against a forfeiture of property, *ibid.*, no. 1067.

[26] Germain urged Clinton to rely upon Mr. Fisher, collector of Salem, to aid the peace commission. Germain to Clinton, March 12, 1778, in the Clinton MSS., CXLVI.

was directed to proceed with haste to America and follow the orders of the commissioners. He was given two thousand pounds and was authorized to draw upon the Treasury for another similar amount provided the commissioners approved his conduct. For the services he might render he was to be made a Baronet of Great Britain and granted a life pension of two thousand pounds per annum.[27] Another with property and private acquaintances in the rebel country, on hearing that a few individuals were to be sent over with expenses paid and additional rewards, notified Eden of his willingness to assist.[28]

About all that Englishmen could do in the spring of 1778 was to hope. Concerning the outcome of the mission, opinion varied from the highest expectation of success to the starkest avowal of inevitable failure. Sir Joseph Yorke, British minister at The Hague, while wishing success to Eden, lamented that others found nothing in the commission but subject for criticism. With an unusual understanding he declared that the fate of America depended on the conduct of Washington, and ended with the comment: "You will leave Europe just bursting into a flame on all sides, God knows whom it will consume, but I cannot think it advantagious to the views of France against us, ..." [29] Thomas Townshend told North that America would protract the negotiations to win an opportunity of storing up supplies, aid France by putting England to the added expense of maintaining troops, and obtain specie from the British in America. The rebels should be thwarted in their desire to lessen British force in America, and allowed to take no posts of advantage which would make it difficult to land troops again.[30]

An American Loyalist exiled in London hoped that the commissioners would effect a reconciliation within a short

[27] "Note of his Engagement to assist the Commissioners in America," April, 1778, in Stevens, *Facsimiles*, no. 424.

[28] S. Fraser to Eden, Spring of 1778, [n.d.], *ibid.*, no. 1071.

[29] Sir Joseph Yorke to Eden, March 13, 1778, *ibid.*, no. 401.

[30] Thomas Townshend to North, February 22, 1778, *ibid.*, no. 373.

time, but he noted the confusion of affairs in England. People were not satisfied with Lord North's government and they circulated petitions urging its removal. He hoped that with the close of the war he might be allowed to return with safety to America, but an editorial comment asserted: "We do hope and believe that there is yet so much virtue left in the worthy Citizens of this Metropolis that they will sooner part with even Life itself, than suffer such Ingrates to have an Existence among them." [31]

To the assertion of the American leaders that they desired peace and had sought a reconciliation, a Loyalist tartly replied that they had declared independence at the very moment they knew an offer of reconciliation was on its way to them. That declaration was "a lasting monument of their hypocrisy, falsehood, and impudence, for which if the people here would do themselves a favour, they would tear them to pieces." [32] The Loyalists thought that all America desired could be gained by treating on the terms offered in the commission. This hope gave great happiness to them, but it vanished with the refusal of Congress, April 22, to accept the conciliatory bills as a sincere peace proposal and the ratification of the Franco-American treaty of alliance. One exaggerated statement declared that not one member of that body showed the least disposition to yield absolute independence.[33]

Thomas Paine said the Tories and the ministry were by a different game playing into each other's hands: "The cry of the tories in England was, 'No reconciliation and accom-

[31] Extract of a letter from London, April 6, 1778, with an editorial comment printed at the bottom of the letter in brackets. New Haven *Connecticut Journal, and New-Haven Post-Boy*, July 22, 1778. Joseph Galloway, in London, disapproved of the terms offered because they came too near independence. He had opposed the earlier proposals for not being near enough to indpendence. He sought a lasting union based on sound political principles. Note of March 10, 1779, in the Sackville MSS., 1779. This note revealed that his conciliatory ideas had not changed since 1774.

[32] An article in the Philadelphia *Royal Pennsylvania Gazette*, April 3, 1778.

[33] Unknown author of an intercepted letter to Franklin, May 14, 1778, in Stevens, *Facsimiles*, no. 828.

modation,' in order to obtain the greater military force; while those in America were crying nothing but 'reconciliation and accommodation,' that the force sent might conquer with the less resistance." [34]

In one of the few editorials in revolutionary newspapers, James Rivington put the Loyalists' case squarely. Judged by the opposition this editorial aroused and the causes for which the colonists in 1776 declared they fought, it struck a genuine note and recalled a forgotten and forlorn hope. It declared a majority of the American people desired freedom from parliamentary taxation and a restoration of pre-1763 conditions. Britain had now ceded those claims and shown a disposition to discuss, compromise, and settle every point in the dispute. An opportunity for peace was being offered, but Congress had thought fit to declare:

> That America shall have no peace; that she shall not accept the Conditions originally proposed by herself; that she shall submit to a Burthen of Taxes more grievous than she ever even apprehended that Great-Britain would have attempted to impose upon her; that the Hopes of every Family shall be dragged into the Field, there to perish by War, Pestilence, or insupportable distresses.—And all this for what? To pursue a PHANTOM OF INDEPENDENCY; or, in other words, to support, at the expence of her own Blood and Treasure; the Power and Consequence of a Set of Men, who oppose Peace merely because such an Event would sink them into Obscurity.[35]

Continuing the attempt to discredit Congress and drive a wedge between it and the people, he reiterated that the achievement of immediate peace, perpetual freedom from British taxation, and restoration of 1763 were objects worthy of consideration and acceptance. It was a choice of peace or the prolongation of an "unnatural war" and endless oppression in support of "such Individuals as compose the Congress

[34] Paine, "The Crisis," in *Political Works of Thomas Paine,* 99.

[35] Rivington's New York *Royal Gazette,* June 3, 1778. The *Royal Gazette* was a continuation of Rivington's *New York Gazetteer.*

Government." Would America be thus duped, trodden upon, and driven to slaughter?

No—she will rather exert her Reason and her Strength, to prevent the farther Prosecution of a now groundless Contest. She will resist the arbitrary Demands of Recruits and Supplies, and compel, if she cannot persuade, her self-interested Rulers to Exchange their own Power for the Peace and Happiness of their Country.[36]

The adherents of independence, though tired by the war, remained hopeful of the outcome. Cautiously they advanced to defeat the peace effort, while trying to retain support for their cause. When it was reported that commissioners were actually coming, they urged their friends to take up their pens and write to offset the dangerous influence inherent in the mission.[37] It was essential that men of the first abilities be enlisted. To the radicals the issue involved either the freedom or enslavement of America. By force and fraud England was trying to crush them. The first was failing and beyond doubt men would be used in behalf of the second who were "versed in the arts of dissimulation, ..."[38] Washington realized the futility of the peace effort and, believing it to be dictated by despair alone, shrewdly guessed that France had declared openly for America.[39]

The Whig propagandists realized that America could not reunite with England and knew that, before a separation could be achieved and the finishing blow to British power in America be given, the courage and hopes of the people must be inspired. Recalling the battles of an earlier day, the "tribe of petticoats" was enlisted to defeat the insidious arts

[36] *Ibid.*

[37] See an excellent article bearing directly on the treatment of the peace effort, by Philip G. Davidson, "Whig Propagandists of the American Revolution," in *American Historical Review*, XXXIX (1934), 442–54.

[38] Washington to Laurens, April 30, 1778, in Ford, *Writings of George Washington*, VI, 509.

[39] Washington to Laurens, May 29, 1778, *ibid.*, VII, 35. See also, the letter to Landon Carter, May 30, 1778, *ibid.*, 39–40; and the letter to John Augustine Washington, June 10, 1778, *ibid.*, 54–57.

of the enemy. This measure was calculated to be very effective because the common people, though favoring conciliation, would grow discouraged over the impression that everybody was against the commissioners. On May 6 Governor Livingston of New Jersey, under the name of "Belinda," published an article requesting all women to enter a solemn protest against the peace proposals, and reported that the

> fair ones in our neighborhood have already entered into a resolve for every mother to disown her son, and refuse the carresses of her husband, and for every maiden to reject the addresses of her gallant, where such husband, son or gallant, shows the least symptoms of being imposed upon by this flimsy subterfuge, which I call the dying speech, and last groans of Great-Britain.[40]

The radical press greeted with derision and laughter the report that the commissioners were coming with only nine hundred troops. If true, it showed the weakness of the enemy, because they had boasted that reinforcements would be sent out to the number of thirty thousand, and it illustrated their folly in supposing that the Americans would be such dupes as not to penetrate their "shallow artifices." [41] The friends of America in Europe declared such efforts to be the last refuge of "boasting, cruel cowards." [42]

After Congress and the colonists had denounced the conciliatory bills as being an insidious political stroke, calculated to divide the American people, they prepared for the coming of the commissioners. Many believed, as did Washington, that there was a reason for encouragement in their coming. He had correctly guessed that France had recognized American independence and formed an alliance against England, and interpreted the sending of commissioners as a hurried attempt to forestall the arrival and effect of the treaty.[43] In

[40] *New Jersey Gazette,* May 6, 1778.

[41] *Continental Journal and Weekly Advertiser,* June 11, 1778.

[42] *Ibid.,* July 2, 1778.

[43] Washington to Landon Carter, May 30, 1778, in Ford, *Writings of Washington,* VII, 39.

this attitude, Congress, April 22, drew up the reply to North's final peace effort. Agreement was not unanimous that peace was impossible or unwise on terms even short of complete independence.[44] The question was widely discussed and only after a thorough airing was the final decision made to reject all conciliatory propositions.[45]

Neither the American people nor Congress had an inkling of the great diplomatic success of Franklin and his colleagues at Paris until a few days before Silas Deane, on May 2, carried the French treaties to York where Congress had been sitting since its removal from Philadelphia. Congress, which had just adjourned, quickly reassembled. Naturally, the reception of the treaties was enthusiastic. Lafayette, unaware that the commissioners knew of the alliance before leaving England, was gleeful at the prospect of seeing it thrust in their faces on their arrival. Henry Laurens, the President of Congress, remarked that the news of the treaties would show the commissioners where and when to take their departure.[46] A few months later the plain people of America, wrote Gerard, said to him as he moved toward Philadelphia: "You have come to our help. We shall go to yours when you wish it." [47]

In the midst of these rejoicings, Congress addressed the people in an eloquent appeal, painting the cruelties and suffering endured at the hands of Great Britain:

That God of battles, in whom was our trust, hath conducted us through the paths of danger and distress to the thresholds of security . . . if we have courage to persevere, we shall establish our liberties and independence. The haughty prince, who spurned us from his feet with contumely and disdain, and the parliament which proscribed us, now descend to offer terms of accommodation. . . . What, then, is their intention? Is it not to lull you with the fallacious hopes of peace, until they can assemble new

[44] Burnett, *Letters of Members of . . . Congress*, III, xv. [45] *Ibid.*, xxii.
[46] Henry Laurens to Washington, May 5, 1778, *ibid.*, 219–21.
[47] Gerard to Vergennes, July 19, 1778, in Doniol, *Histoire*, III, 270.

armies to prosecute their nefarious designs? . . . Be not, therefore, deceived. You have still to expect one severe conflict. . . . Arise then! to your tents, and gird you for the battle! It is time to turn the headlong current of vengeance upon the head of the destroyer. . . . Trust not to appearances of peace and safety. . . . But, if you exert the means of defence which God and nature have given you, the time will soon arrive when every man shall sit under his own vine and under his own fig-tree, and there shall be none to make him afraid. . . . Thus shall the power and the happiness of these sovereign, free and independent states, founded on the virtues of their citizens, increase, extend and endure, until the Almighty shall blot out all the empire of the earth.[48]

The leaders of the American cause, caught up in this whirl of emotional excitement at the near possibility of actual independence, were in no mood to give a calm ear to offers of reconciliation. Nor did their military, diplomatic, and political progress then make necessary any revision by them of the decision of 1776. Accordingly, the situation which the commissioners met upon their arrival made their success very unlikely. The news of the French treaty of alliance; the realization of Congress of the rising divisions in Parliament; the recognition by France of American independence; the appointment of a French minister to the United States; the successes of the American army in 1777; and the promises apparent in the campaign opening in the summer of 1778—these events made it more than probable that the commission would fail. Furthermore, only a few people thought the commissioners had adequate powers. Washington thought that men who dared to come out on a commission based on the bills introduced into Parliament, February 17, deserved to be mortified in the extreme.[49] He wrote that England would very soon have use for its troops elsewhere.

Accompanied by a considerable entourage, the commis-

[48] *Journals of Congress,* XI, 474 *et seqq.* See also, Burnett, *Letters of Members of . . . Congress,* III, xvii.

[49] Washington to Henry Laurens, May 29, 1778, in Ford, *Writings of Washington,* VII, 34.

sioners left England on April 16 for St. Helens on board the *Trident*.[50] Seventy leagues from the New World, Carlisle met another British armed brig, from whose captain he learned that Lord Howe and General Clinton were in Philadelphia. As a result of this information he ordered Captain Elliot of the *Trident* to take them directly to that city—a move which in his opinion would expedite the coming negotiations.[51] Immediately, upon the arrival of the commissioners in Philadelphia, June 6, Lord Howe and Sir Henry Clinton, who had replaced General William Howe as commander of the army, lost no time in displaying the embarrassment they were under and the difficulties that were to attend the efforts of the commissioners. In accord with the design of George III to withdraw a large number of the troops from the rebellious colonies for action elsewhere if France allied herself with America, Clinton had received orders [52] to abandon Philadelphia and retreat upon New York. A mere handful of troops was to be left in America, thus allowing the colonies to enjoy independence until their allies could be subdued. Though the orders to evacuate Philadelphia had arrived in America several weeks before the commissioners, they had by great effort been kept secret from them.

Carlisle, in a long letter to an old friend of his youth, gave a chronological outline of his stay in America. Concerning their arrival in Philadelphia and the attitude of Howe and Clinton he wrote:

> We were greatly astonished to find they were both under the irresistable influence of *positive* and *repeated* orders; which orders had industriously been kept a secret from us, though sent out long

[50] Captain John Elliot to Philip Stephen, April 20, 1778, in Stevens, *Facsimiles*, no. 1079.

[51] The Calendar of the 1778 Commission, taken from Carlisle's entry book of correspondence and proceedings, March, 1778 to January, 1779, *ibid.*, no. 1059.

[52] "Extract of the King's Instructions of the 20th, March, 1778 to Sir Henry Clinton," March 21, 1778, in Knox's hand, in the Knox MSS., IV, 11. Secret Instructions of March 8 and March 21 are also found in Stevens, *Facsimiles*, nos. 396, 1062, and 1069.

before our departure, and which, when they are laid before you, will clearly convince you were calculated to render the Commission both ineffectual and ridiculous.[53]

Clinton was ordered to send five thousand troops to the Island of St. Lucia and three thousand to St. Augustine. Obedience to these orders reduced the army in Philadelphia from around 14,000 to 6,000 men. Carlisle thought that the six thousand who remained, had they been left to their own choice, could have taken no other course than to join the rest of the army in New York.

William Eden was beside himself with anger on discovering that his ministerial friends had not revealed this secret to him. That he was acting in his own interest was shown by the stress laid on his personal self-concern. He disclosed his keen disappointment when he accused Wedderburn of having known that the existence of such an order would have prevented his departure from England; and he added that he had been trusted with the deepest secrets for years, while "the only one kept from me is that, the keeping of which was to sacrifice my domestic happiness & me & my character to a commission which they meant to make a mixture of ridicule, nullity & Embarrassment." [54] His colleagues had a right to know the nature of those orders to Clinton. It was impossible to keep cool while viewing such a magnificent country and to refrain from almost going mad at the long record of misrule by which it had been lost.[55]

Eden received no sympathy from Lord Germain, who asserted that he had been consulted very little about the conciliatory propositions or the selection of commissioners. He expressed surprise at Eden's ignorance of the order. Because his participation was merely official and he did not share in the unreserved confidence known to exist between the ministry and Eden, he felt information from himself unnecessary.

53 Carlisle to Reverend Ekins, [n.d.], *Carlisle MSS.*, 380.

54 Eden to Wedderburn, June 18, 1778, in Stevens, *Facsimiles*, no. 500.

55 Eden's Minutes, July 29, 1778, *ibid.*, no. 508.

The order for the evacuation of Philadelphia should be viewed from the situation of England at the time it was signed.[56] The quarrel continued and Eden even threatened to return home without permission, but he was emphatically warned against it by the ministry. Wedderburn cautioned a wiser course, unless he wished to give the sole impression that he was "very attentive to his own concerns, ..." [57]

Carlisle took a nobler and more sacrificial view. In answer to Eden's observations, he said:

> The sacrifice of individuals may be often necessary to the safety of the state, if it is so in our case, all complaint will be very impertinent. If it appears that we were to be deceived because the cheat could not otherwise have been put upon the nation, by an imposition of this nature the public is wounded thro' us, and those who contrived the cheat, must answer for the consequences.[58]

To George Johnston nothing was more contemptible than a retreating army or a supplicating truce. Without a realization that it was based on strength, no people were ever thankful for clemency.[59] Failure to reveal the change of policy was to him "a fatal, ill-concerted and ill advised Retreat, subversive of the purposes of the commission, highly dishonorable to His Majesty's Arms, and most prejudicial to the Interest of His Dominions." [60]

It was doubtless true that the success of the commission depended on British force. The belief that British recognition of their independent status would shortly follow the withdrawal of forces enhanced the power and confidence of the radicals and stifled the effect of every favorable disposi-

[56] Germain to Eden, July 31, 1778, *ibid.*, no. 511.

[57] Wedderburn to Eden, September, 1778, *ibid.*, no. 517. William Knox wrote Germain that "The Commissioners appear to write for Parliament rather than to your Lordship, but their state of affairs is by no means a desperate one." October 31, 1778, in Knox MSS., IV, 39.

[58] Carlisle's reply drawn up July 29, 1778, in Stevens, *Facsimiles*, no. 509.

[59] George Johnston to Carlisle, September 16, 1778, *ibid.*, no. 93.

[60] Johnston to Germain, June 15 (?), 1778, in the Clinton MSS., CXXVI.

tion toward Great Britain.[61] But the peace commissioners should have known that the issues at stake were deeper than the course of one summer's or one year's campaign. In condemning the final necessity of their government to withdraw forces from America, they demonstrated their own ignorance of the rise and depth of colonial discontent and fretted vainly against the futility of their efforts. Absorbed in their own selfish concerns,[62] these amateurs in diplomacy spent their time quarrelling with the cabinet and in their own weakness and lack of vision mirrored to the end the low opinion Englishmen had too long held of colonial statesmanship.

The great instrument which the commissioners had relied upon as the means to insure their success—active and offensive military operations—was no longer available. A defensive war carried neither threats nor terrors. When the army withdrew from Philadelphia they might as well have gone home immediately. The threat of destruction, which would have made men of property favor conciliation, was removed. Aware of this Carlisle wrote:

> when it was most evident that nothing but the menaces of war, or its real destructive consequences, could shake men of this description in their power, and bring those who had conferred this power on them to their senses, you will agree with me that our offers of peace wore too much the appearances of supplications for mercy from a vanquished and exhausted State.[63]

What, then, was to be done at such a moment? The strength of the commission had been undermined, and peace, if it were to be gained, must be clutched at hurriedly. Since they were in Philadelphia, not more than sixty miles from the

[61] Commissioners to Germain, November 16, 1778, in Stevens, *Facsimiles,* no. 1215.

[62] Germain was irritated at this. He noted that the commissioners blamed the administration and expected soon to hear them say "peace would have been settled had Philadelphia been held. . . ." Letter to Knox, July 23, 1778, in *Reports on MSS. in Various Collections,* VI, 144.

[63] *Carlisle MSS.,* 381.

seat of Congress, not to have addressed that body would have excited the surprise of all America. To address them and be unable to wait for an answer was equally perplexing. However, they chose the latter. It was obvious that the preparations for the withdrawal from Philadelphia could not be concealed from the public, but the reason for the evacuation could be concealed. British troops left in Philadelphia, outraged at the situation, might mutiny if the real purpose were revealed. The American army was cautious because it did not know the real reason for the evacuation and suspected that it was a feint to put Washington off his guard.

The time for the commissioners to act, therefore, was before America learned the reason for the evacuation. Carlisle summed up the situation in the following statement:

> Our situation permitted none of the protracting arts of negotiation; it was too nice and critical to attempt any experiment, and we were all convinced that we had no other part to take but at once display every concession and every inducement which our country had empowered us with, to establish the general tranquility.[64]

Howe and Clinton opened the negotiations with Congress in a letter, which reached York, June 6, transmitting the conciliatory acts of Parliament. Congress gave the letter a brief consideration and a hasty answer and referred Howe and Clinton to the reply Congress gave, April 22, when the bills first appeared in America. Then and at this time the reply was that no treaty could take place until independence was acknowledged and the fleets and armies withdrawn.[65]

After the first failure, the commissioners, pressed by time, tried to send their dispatches to Congress by Dr. Ferguson, the eminent man of letters who was secretary to the commission. Washington, who had to exercise great care to avoid

[64] *Ibid.*, 381–82.

[65] *Journals of Congress*, X, 379. For the direct reply of Congress to Clinton, June 6, 1778, see *ibid.*, XI, 574–75.

criticism, refused to grant him a passport, and they had to send their message under an ordinary flag of truce.[66] Several letters were also written to Washington by various Loyalists and Englishmen portraying the commissioners in the most favorable light and requesting his influence in their efforts at reconciliation.[67]

In their letter to Congress, the commissioners revealed their earnest desire to effect a genuine peace and declared their powers equal to the purpose and "unprecedented in the Annals of our History." [68] A reconciliation had been achieved between other nations over questions more contentious than those involved in the existing quarrel—an assertion of doubtful historical accuracy. They did not wish to recall subjects no longer in controversy, but to prove their good intentions. Without mention of the haste their precarious situation demanded, they revealed their powers in full and asserted a readiness to agree on anything that would lead to a reunion. They regarded the interposition of France as insidious and declared that her action had resulted from the reconciliation which England was trying to obtain. The common interests of the two countries made any alliance with France unnatural. Desiring to offer some explanation for their coming withdrawal to New York, they informed Congress that their instructions as well as their own desire to "remove from the immediate Seat of War in the Active Operations of which We cannot take any part may Induce us Speedily to Remove to New York." [69] If Congress failed to respond to the offer being made, they called heaven and earth to witness that the

[66] Congress approved this refusal in a resolution on June 11, 1778, *ibid.*, XI, 616.

[67] See letter of Robert Eden, brother of the commissioner and Governor of Maryland, 1769–1776, to Washington, April 17, 1778, in Sparks, *Correspondence of the American Revolution*, II, 108.

[68] Commissioners to Laurens and "other The Members of Congress," June 9, 1778, in Stevens, *Facsimiles*, no. 1104.

[69] *Ibid.*

evils which would follow could not be imputed to Great Britain.

Carlisle declared that he had made a complete confession of the commissioners' powers because he feared the circumstances to follow would give them no further chance of making their offers known. A retreating and diminishing army would make it impractical to negotiate. America's demands would rise. By fully revealing their powers, they would avoid the retort: Why did you not inform us of your offers in full? Later concessions would give the impression that the commissioners were augmenting their own powers, and, from the manifest dependence on the French treaty, they could not expect Congress after its ratification to submit to terms previously proposed. Offers coming before ratification might prevent the conclusion of the alliance, but only by revealing completely the liberal concessions made by the mother country.[70]

The anger of the commissioners grew as they reviewed their situation. Carlisle did not approve of Lord Howe's warning to the Loyalists of Philadelphia to make the best peace they could with the rebels the moment orders were given to evacuate Philadelphia. This was to say, "We can protect you no longer, therefore make the best terms for yourselves with the Congress." [71] Such a movement might be humane, but it was giving up the game almost beyond a possibility of retrieving it. His little daughter Caroline, in his opinion, would have had sense enough to have told the administration that the commission was a farce. He declared emphatically that had he known of the orders to evacuate Philadelphia and lessen the army in America he would have considered it dishonest to receive the public wages provided for his services.

[70] Carlisle's Minutes on "Why did you make your offers without adhering to the true spirit of negociation by keeping some back—&&&," July, 1778, *ibid.*, no. 76. See also, letters of explanation to Germain of June 15 and September 21 referred to in *ibid.*, no. 1160.

[71] A long chronological letter to Lady Carlisle, [n.d.], in *Carlisle MSS.*, 345.

Lord Germain, in reply to the commissioners, declared the answer given by Congress on April 22 had prepared "Us to expect that the Acts themselves would make but little Impression on that Body; & served much to abate Our sanguine Hopes of your finding them disposed to enter into Treaty with you upon the ground of the general Declaration of your Authority, which you were instructed to make to them." [72] It was but natural to expect the enemy to make full use of the withdrawal from the American capital. The situation justified Carlisle's full communication of the commissioners' powers. The refusal of Congress to reply to such liberal terms might stir up popular resentment and suspicion. The government longed for news of negotiation, but it wished the terms in which the commissioners had expressed their propositions had corresponded "more with those in which your Instructions are conveyed, lest advantage should be taken of the Expressions in your Letter to insist upon Concessions which were not intended to be made, or which you cannot make without further Authority." [73] In the process of negotiation no concessions should be offered not clearly within the meaning of the instructions. If there were additional points that might reasonably be yielded, they should postpone an answer until they had received "His Majesty's pleasure thereupon." From this it is apparent that the commissioners had displayed their full strength and more in their first communication with Congress. Germain could not recall [74] that the instructions allowed colonial representation in Parliament, and Lord North asserted that the commissioners had plainly exceeded their powers. North was afraid to disavow the promises already made, even in a letter to them, lest its seizure "raise an opinion in America of our intending to deceive them in which they have been too suc-

[72] Germain to the commissioners, August 5, 1778, Stevens, *Facsimiles,* no. 1124.

[73] *Ibid.*

[74] Germain to William Knox, July 23, 1778, in *Reports on MSS. in Various Collections,* VI, 144.

cessful on former occasions & which they consider as one of their principal means of preventing any reconciliation with Great Britain." [75] Despite national objections to concessions made, he favored allowing the colonists all they thought they had been granted and did not believe the nation would refuse them if they produced peace. If Clinton could win a battle, he thought "the liberal offers of the Commissioners may yet have some effect." [76] He urged that: "Great care . . . be taken now in everything we say & write not to give our enemies in America the least pretence to say that we do not mean sincerely, & that, when we have brought the Colonies to treat, conjointly or distinctly, we mean to disavow our Commissioners." [77]

On June 13 the letter and dispatches of the commissioners were placed before Congress.[78] When Laurens, reading the letter to Congress, reached the words "insidious interposition of a power," he was ordered to stop to avoid offense to the King of France. The motion not to continue reading the message was postponed for further consideration. It was again debated on June 15, but no vote was taken. The next day Congress resumed its consideration, defeated the motion, and ordered the letter and papers read, after which they referred them to a committe of five consisting of Richard Henry Lee, Samuel Adams, William Henry Drayton, Gouverneur Morris, and John Witherspoon. Evidently, reconciliation even then was not wholly a dead issue. Nor was Congress unanimously opposed to considering a reunion. The first reaction of Congress was to ignore the letter of the commissioners and let the answer of April 22 be their lone reply, but the question was warmly debated. The majority opinion was that it would be more prudent to answer than to keep silent. It was easy to lay before the people reasons for refusing

[75] North to William Knox, August 15, 1778, in Knox MSS., IV, 21.
[76] *Ibid.* [77] North to Knox, August 8, 1778, *ibid.*, IV, 20.
[78] *Journals of Congress,* XI, 605–06.

the offers. A refusal to notice them might cause distrust and suspicion injurious to the cause.[79]

In their reply [80] Congress stated that nothing but an earnest desire to spare the blood of humanity could have induced them to read a paper which insulted the French King; that the terms held out supposed the American people to be subjects of Great Britain, which was utterly inadmissible; and that Congress would treat for peace only on terms consistent with existing treaties and the Declaration of Independence. They demanded that independence be acknowledged or the fleets and armies withdrawn.[81] This condition was the standing reply of Congress to every effort of the commissioners. Furthermore, Congress ordered that all the correspondence of a public nature between the commissioners and members of Congress be read before that body.[82]

Congress wisely delayed an answer until the intentions of Clinton were revealed. The commissioners, who had left Philadelphia on June 18, received the reply in New York on July 2.[83] They had expected such a reply; clearly saw the futility of their mission; and sick of their job, grew increasingly impatient writing futile letters and fretting with gnats and the hot weather. Clever propaganda declared they aimed solely to divide America.[84] Such an answer from Congress made a reconciliation impossible, except through the use of force, an appeal to the American public, and a negotiation with separate groups. These alternatives failing, the commissioners planned to request the King's permission to return. If his reply failed to reach them after a reasonable delay, they expressed the hope to Germain that they would not be liable to reprehension

[79] Memorandum of Charles Thomson, June 16, 1778, in Burnett, *Letters of Members of . . . Congress*, III, 295–96. See also, *ibid.*, 296–303, *passim.*

[80] Reply of June 17, 1778, in *Journals of Congress*, XI, 615.

[81] *Ibid.* [82] *Ibid.*, 678.

[83] Carlisle to Lady Carlisle, July 3, 1778, in *Carlisle MSS.*, 347. See also, letter of Carlisle to Lord Gower, September (?), 1778, *ibid.*, 372–73.

[84] Insertion of June 27 to letter to Lady Carlisle, *ibid.*, 346.

if, urged by the necessity of their situation, they directed their own conduct.[85]

Germain agreed that the reply precluded all hope of negotiation with Congress, but he urged the commissioners to keep a careful watch for any signs of a desire of the colonies to return to their former union. Such a reaction might induce Congress to treat in order to prevent separate or group negotiations. The prospects were not as unfavorable as they had stated. Nor was it a sacrifice of honor for them to remain in North America. However, he had laid their request to withdraw before the King, who was pleased to allow them to return without further application if, after having tried every possible means to end the trouble, they became convinced that success was impossible.[86]

The ministry and the commissioners had lost hope, and Eden found little pleasure in his sojourn in America. He wrote his brother: "We are treated here like Sovereigns in their Capitals with respect to all Military Attention—& I can assure you that such parade is very unpleasant; & must be so to every man however vain in his nature after the first impression of the Novelty is worn off." [87] Evidently the commission had planned quite an exhibition for the crude society of America. The newspapers made much of Carlisle's reported baggage, a bit lavish to say the least. One can imagine the amusement of the uncultured, plain, and simple men of the field, forest, and village when they read that the Earl of Carlisle brought with him:

Six dozen of best scented chicken gloves—one dozen bottles essence of roses—twelve ditto lavender—thirty six pound red and white powder—half a dozen opera glasses—forty boxes of pearl coloured

[85] Commissioners to Germain, July 7, 1778, in Stevens, *Facsimiles*, no. 1116. See also, the letter of Germain to Clinton, April 12, 1778, in the Clinton MSS., CXLVI.

[86] Germain to the commissioners, September 2, 1778, in Stevens, *Facsimiles*, no. 1142.

[87] Eden to Morton Eden, June 15, 1778, *ibid.*, no. 499.

powder for the teeth—three gross of brushes, &c.: ninety wardrobe cases for cloaths—forty pair of red-heeled shoes; one dozen muffs —twelve dozen best tooth picks—an abridgement of the history of America, for the use of children—Hoyle upon games—institutes of the game of whist; the calculation of chances—two portable billiard tables—a chest of sweetmeats—Grotious de Jure: ellict Pacis, in calf—Lord Carlisle's poems—a wooden horse to exercise on ship-board—three Italian greyhounds—a Piano Forte; and his SECRETARY.[88]

The commission was undoubtedly very costly. Eden had proposed that the commissioners be allowed the salary and equipment of ambassadors. Including the expenses of carriage, servants, wives, furniture, allowances to extraordinaries, and housekeeping in a style befitting the dignity of the commission, the total expense for each commissioner would be approximately six thousand pounds yearly. The military and naval commissioners were not included because they received their salaries in another capacity. Hence a year's sojourn in America would have relieved the British exchequer of some eighteen or more thousand pounds.[89]

The Americans were pleased with the reply Congress gave the gentlemen from Great Britain. Josiah Bartlett wrote with pleasure that every member of Congress firmly resisted and would resist any peace short of absolute independence.[90] Too much had been suffered at the hands of Great Britain to allow the colonists to yield independence, and commercial losses would not be great enough to force a return to British restrictions upon American trade. Congress was fully capable of governing America without sending members to the British Parliament on a "Little Island" of Europe three thousand miles away. Any state in America knew better than the British King

[88] An extract from a London letter of March 9, printed in the *North Carolina Gazette,* August 21, 1778.

[89] Eden's proposal of April, 1778, in Stevens, *Facsimiles,* no. 421. See also, the *North Carolina Gazette,* August 7, 1778.

[90] Josiah Bartlett to William Whipple, June 20, 1778, in Sparks, *Correspondence of the American Revolution,* II, 142n.

who was the most proper person to be governor; and Congress, designed by the states to be perpetual, also knew who was best fitted to be its president.[91]

"An American" in an open letter to the commissioners declared the propositions contained in their first letter to Congress unworthy, and he felt it would do them good if he spoke for the people. Their offers came too late, and, if unprecedented in British history, failed because of a conduct unprecedented in the history of mankind. In view of the congressional reply of April 22, it was a jest for them to offer such terms. He advised England to withdraw her forces to Europe where they would certainly be useful within a short while and assured the commissioners that "we shall never follow them thither."[92] Americans were not so bellicose or so fond of London as to begin a crusade for the acquisition of that "holy land." Though the common benefits of naturalization were offered, his fellow countrymen could but regard the privilege with sovereign indifference. "A few of our wealthy citizens may hereafter visit England and Rome to see the ruins of those august temples in which the goddess of Liberty was once adored. These will hardly claim naturalization in either of those places as a benefit."[93] Questioning their right to make offers without parliamentary approval, he advised them to recognize the independence of the United States and seek the most favorable treaty of friendship and commerce available.

The commissioners decided to make one more effort to negotiate with Congress. To the alternative of recognizing independence or withdrawing the forces, their second letter declared: "we are willing to enter upon a fair discussion with you of all the Circumstances that may be necessary to ensure or even to enlarge that Independency."[94] But England could

[91] An article in the Boston *Gazette,* July 6, 1778.

[92] An article supposedly by Samuel Adams, in the Boston *Massachusetts Spy,* July 16, 1778.

[93] *Ibid.*

[94] Commissioners to Henry Laurens, July 11, 1778, in Stevens, *Facsimiles,* no. 111.

not withdraw her forces because of the need for precautionary measures against France and the protection due the Loyalists. Such a withdrawal could not occur until Congress agreed to the peace proposal.

Obviously, that demand of Congress could not be met because compliance with it would have been a virtual acknowledgment that British authority in America was ended. Regardless of coming events they declared they would abide by the offers already made. They wished to know in what manner existing treaties affected the negotiations, recommended that the people of America judge as to whether the alliance was a logical cause of continuing the war, and unwittingly asked Congress to reveal the "Powers by which you conceive yourselves authorised to make Treaties with Foreign Nations." [95] In the Articles of Confederation, numbers six and nine, outlining the power of Congress to enter into treaties and alliances, they did not find "promulgated any Act or Resolution of the Assembly's of particular States conferring this power on you." [96] Their declared intention was to continue their efforts for peace and to publish as much of their correspondence with Congress as might be necessary to explain their actions. They promised to pay respect to the great body of people, which Congress represented, but in so doing they implied that Congress itself would receive little consideration. The commissioners erred in challenging Congress's authority to frame alliances and enter treaties, while at the same time attempting to reach an agreement of deeper significance, which would certainly have required its approval before a final acceptance. The effort to undermine the authority of Congress made a telling argument for the American propagandists, who, regarding independence as already established, could very profitably say to the people that the commissioners were denying the authority of the very body with which they were at the moment trying to negotiate.

"An American" regarded it as an insolent question, which

[95] *Ibid.*

[96] *Ibid.*

only Vergennes had a right to ask.[97] The alliance with France had been formed, he repeated, before the British government proposed reconciliation with its accompaniment of a half million pounds as bribe money. To the declaration of an intention to publish their correspondence with Congress, he replied:

> There is but one way left to sink you still lower; and, thank God, you have found it out. You are about to publish! O my lord! my lord! You are indeed in a mighty pitiful condition.—You have tried fleets and armies, and proclamations, and now you threaten us with newspapers. Go on; exhaust all your artillery. But know, that those who have withstood your flattery, and refused your bribes, despise your menaces. Farewell. When you come with better principles, and on a better errand, we shall be glad to meet you.[98]

Henry Laurens thought the second letter of the commissioners a most puerile performance, "with a little dash of insolence, as unnecessary as it will be unavailing." [99] Washington agreed that it was weak, if not a bit indecorous, and was at a loss to penetrate the deeper design which he suspected lay back of their actions. Their advances should be received "with a sort of indignant pleasantry, . . . as being truly typical of that confusion in which their prince and nation are." [100] Congress passed a resolution that no answer be given, since the reply to the commissioners of June 17 had stated the only terms on which a treaty could be considered.[101]

After this failure Carlisle thought that two slim chances remained: the people might resent the decision of Congress; and the British army might abandon its withdrawal, return

[97] "An American," an article in the *North Carolina Gazette*, September 11, 1778.

[98] *Ibid.*

[99] Henry Laurens to Washington, July 18, 1778, in Burnett, *Letters of Members of . . . Congress*, III, 335.

[100] Washington to Laurens, July 24, 1778, in Ford, *Writings of Washington*, VII, 119–20.

[101] Motion of July 18, 1778, in *Journals of Congress*, XI, 701–02.

to the offensive, and force the men of property to agree to a reconciliation. He could not ignore the need of distributing the forces over the empire. Also he saw how late events had tended to thicken the mists in the minds of the people. To them the evacuation of Philadelphia represented an American triumph.[102] Though property and Loyalists were still fairly secure in Philadelphia, the city constantly faced complete ruin and even loss of life. The Loyalists often changed grounds, and, at this crucial moment, those in Philadelphia were " 'all things now, and were excessively rejoiced to *see our people* coming.' " [103]

Long considering himself a friend to America, George Johnston felt a few letters to the colonial leaders might induce them to further the cause of conciliation. Though sincere in his desire for peace, he was indiscreet in his method of procedure. He asked Laurens to help the commissioners win a hearing and sought permission to travel over the country to see the "worthy Characters she has exhibited to the world, ..." [104] To this unusual request, Laurens obviously replied that Congress had already revealed the steps necessary to peace in their answer to the conciliatory proposals. He refused the request and ended with the assertion that "until the basis of mutual confidence shall be established, I believe, Sir, neither former private friendships, nor any other consideration, can influence Congress to consent." [105]

In letters to Robert Morris and General Joseph Reed, Johnston hinted strongly at the praise they might gain for advocating a reconciliation and promised that the King would

[102] Carlisle to Lord Gower, July, 1778, in *Carlisle MSS.*, 349.

[103] Extract of a letter from Lancaster, June 20, taken from the *Continental Journal and Weekly Advertiser,* July 2, 1778.

[104] Quoted in the preface to Laurens's reply of June 14, 1778, in Stevens, *Facsimiles,* no. 75.

[105] *Ibid.* Wedderburn declared Johnston's letter to Laurens turned him quite sick. It was too humiliating, especially to those who had to maintain the honor of the government. Letter to William Eden, September, 1778, *ibid.,* no. 517.

remember them later in his awards and recognition. A congressional investigation of his correspondence revealed that he had written to Joseph Reed on April 11:

> The man who can be instrumental in bringing us all to act once more in harmony, and to unite together the various powers which this contest has drawn forth, will deserve more from the king and the people, from patriotism, humanity and all the tender ties that are affected by the quarrel and reconciliation, than ever was yet bestowed on human kind.[106]

And to Robert Morris:

> I believe the men who have conducted the affairs of America uncapable of being influenced by improper motives; but in all such transactions there is risk, and I think that whoever ventures should be secured, at the same time, that honour and emolument should naturally follow the fortune of those who have steered the vessel in the storm and brought her safely to port. I think Washington and the president have a right to every favor that grateful nations can bestow, if they could once more unite our interest and spare the miseries and devastations of war.[107]

These letters were turned over to Congress and eventually published.

Johnston's final effort was an open attempt to bribe Joseph Reed. A Mrs. Elizabeth Ferguson, whom he had met in the house in which he resided and with whom he had conversed at length concerning his desire for conciliation, agreed to urge Reed to aid England's peace effort. She obtained an interview, June 21, and told Reed of the high esteem Johnston had for his ability and influence. Getting closer to the purpose of the conference, she revealed Johnston's desire to enlist his help in obtaining a reconciliation and informed him that his influence was worth ten thousand pounds sterling, in addi-

[106] *Journals of Congress,* XI, 771. See also, the *Pennsylvania Evening Post,* August 13, 1778.

[107] *Journals of Congress,* XI, 771.

tion to any royal office within the colonies. According to rumor, when Reed discovered that an answer was expected, he replied that "He was not worth purchasing, but such as he was, the king of Great Britain was not rich enough to do it." [108]

Reed kept this interview secret for a while, but after consulting Washington and a few others he revealed the whole affair. Washington warned him to prepare his reply carefully, because a critical public would censure complimentary remarks and quickly note any discrepancy between his reply to Johnston and Congress's reply to the commission.[109] Using Johnston's attempts at bribery as an excuse, Congress closed forever negotiations with the commissioners.[110] Johnston denounced the action of Congress as an undeserved honor, condemned its violation of the Saratoga Convention, declared Congress responsible for the failure of all peace efforts, and confessed his intention of resigning from the commission. With all respect to the people of America and the individual members of Congress, he was "not anxious about the good opinion of such a Body. . . ." [111] Washington smiled at this reply, in which Johnston tried to show his unconcern at the interdiction of Congress, "while he exhibits abundant proof that he is cut to the quick and biting his fingers in an agony of passion." [112]

When news of Johnston's actual attempt at bribery spread over the country, the poets, writers, and pamphleteers rose to the occasion and filled the papers and their correspondence with language picturesque and telling. Henry Laurens turned over his correspondence with Johnston to William Henry Drayton, "who is collecting materials for displaying the Governor's good designs, and no doubt he will, according to his

[108] *Ibid.*, 771–72.

[109] Washington to Reed, June 15, 1778, in Ford, *Writings of Washington,* VII, 65–66.

[110] Resolution of August 11, 1778, in *Journals of Congress,* XI, 773.

[111] Johnston's reply of August 26, 1778, to the resolution of Congress, in Stevens, *Facsimiles,* no. 1132.

[112] Washington to Laurens, September 12, 1778, in Ford, *Writings of Washington,* VII, 194.

usual tone, add pretty severe strictures." [113] Johnston's acts inspired one writer to lament Britain's downfall in these words:

> When Satan first from Heaven's bright region fell
> And fix'd the gloomy monarch of hell,
> Sin then was honest; Pride led on the tribe;
> But each infernal. while he fought, abhor'd
> The meaner mongrel arts of sap and fraud;
> Brave in his guilt, he rais'd his daring arm,
> And scorned the heavens unless obtained by storm.
> But Britain—O! how painful 'tis to tell!
> Commits a sin that makes a blush in hell;
> Low in the ruins of demolish'd pride
> She basely skulks to conquer with a bribe,
> And when detected in the rank offence,
> Throws out a threat—to turn King's evidence.[114]

An advertisement was printed and posted in New York City declaring that all British rights in America, consisting among other articles of thirteen colonies, the Hudson Bay territory, a large part of the British navy and army, the Loyalists, and British West Indies were for sale. Interested persons were advised to see George Johnston, "who is desirous of concluding a private bargain." For the conditions of the sale the public was referred to Henry Laurens and the reply of Congress. In addition, a discount would be allowed for all Loyalists murdered since April 10, 1775. The notice forbade the British army and navy, printers, writers, mobs, and disorderly persons to obstruct the sale.[115]

The other commissioners declared their ignorance of the act of which Johnston was accused. They did not believe any person was authorized to hold the conversation with General

[113] Laurens to Washington, June 18, 1778, in Sparks, *Correspondence of the American Revolution,* II, 142.

[114] A poem to Johnston on his attempt at bribery, *Independent Chronicle & Universal Advertiser,* August 13, 1778.

[115] This is found in the *Continental Journal and Weekly Advertiser,* August 27, 1778.

Reed and refused to enter into any explanation of the conduct of Johnston "whose abilities and integrity require no vindication from us." [116] They accused Congress of manufacturing the charge solely as an excuse to end further communication with them. Concessions freeing the colonists from taxation and securing their charters and established governments; reviving mutual intercourse and affection; giving security on the subject of military force; and extending every freedom of trade might be at least politely received. They had offered "not only everything that can be proposed by the French connection, but also many very valuable blessings to this Continent, which can never by any possibility be derived from that preposterous connection." [117]

Since it was not proper for Congress to comment on this declaration of the commissioners, William Henry Drayton felt a few private observations upon it would be fitting. They had tried to exculpate themselves before they had been accused. Moreover, they could not truthfully say that Britain could offer all that France did, because she had not recognized American independence. In detail he attempted to show that the French treaties were agreed upon and ratified long before North proposed a reconciliation.[118]

An interesting incident followed the publication of a declaration by the commissioners on August 26. Alluding to France, that document had declared:

They remain astonished at the calamities in which the unhappy people of these Colonies continue to be involved, from the blind deference which their leaders profess towards a power that has ever shown itself an enemy to all civil and religious liberty, and

[116] A paper entitled "Heads of a Declaration," in *Carlisle MSS.*, 361. See also, the official declaration of the commissioners in reply to that of the Congress of August 11 relative to Governor Johnston, August 26, 1778, in Stevens, *Facsimiles*, no. 1133.

[117] *Ibid.*

[118] An open letter to the commissioners, from the Providence, Rhode Island, *Gazette & Country Journal*, October 10, 1778. North's first reference of December 10, 1777, in *Parliamentary History*, XIX, 577.

whose offers, his Majesty's Commissioners must repeat, whatever may be in consequence of the plan of accommodation concerted in Great Britain, and with a view to prevent the reconciliation proposed, and to prolong this destructive war.[119]

This statement offended every Frenchman in America. Noting that Lord Carlisle's name headed the signatures placed on the declaration, Lafayette determined to challenge him to a duel.[120] Washington, Count D'Estaing, and many other friends warned him that his life was worth too much to the cause of America, himself, and his own country for him to commit so rash an act. Count D'Estaing expressed great fear over the course of his spirited countryman and requested Washington to prevent such an unfortunate occurrence.[121] Despite such excellent advice, Lafayette sent the challenge to Carlisle, who by reason of his youth, vigour and skill as a swordsman would have been no unworthy opponent. In challenging Carlisle, Lafayette stated his surprise at having an occasion to confer and declared the insulting phrase alone sufficient reason for demanding satisfaction. He scorned to refute it, but wished to punish it, and asked for a satisfaction as public as the offense had been and as the refutation "which follows it will be." [122]

Carlisle knew neither how to consider seriously nor to neglect altogether the proposal.[123] In his reply, he confessed it was difficult to return a serious answer and with parental aloofness asserted that Lafayette must have known what his answer would be. He declared that he did not deem himself personally responsible for acts he committed while engaged in the King's

[119] Declaration of the commissioners of August 26, 1778, in Stevens, *Facsimiles*, no. 1133.

[120] Lafayette to Washington, September 24, 1778, asking his opinion concerning his challenge, in Sparks, *Correspondence of the American Revolution*, II, 209–10.

[121] D'Estaing to Washington, October 20, 1778, *ibid.*, 224–25.

[122] Challenge of October 5, 1778, in Stevens, *Facsimiles*, no. 102.

[123] Clinton and Eden to Germain, October 15, 1778, *ibid.*, no. 1182. Eden wrote that Carlisle himself "seems more anxious about it than He should be." He advised Carlisle to make the reply he did. Eden to Clinton, October 9, 1778, in the Clinton MSS., LI.

business. The offense complained of was not a private act to be settled by a duel, but it was national in its character and could be settled best when the fleets of Admiral Byron and Count D'Estaing met.[124] Both Washington and the Count were pleased with the sensible answer Lord Carlisle gave the youthful proposal.[125]

If Congress had tried to silence the commissioners with the cry of corruption, the ruse failed.[126] In a final defense, Johnston even declared that before July 19 he had not by word, message, or conversation with anyone done anything that Joseph Reed could interpret as an effort to "corrupt his integrity." A wish to maintain the sanctity of private communications and protect innocent individuals, he declared, restrained his revealing evidence of his innocence—a self-denial which the world would at another time applaud. Announcing his return to England, he asserted that it was not caused by the action of Congress and avowed his determination to return to Parliament to voice his opinion against granting independence.[127]

The peace effort, in all probability, was a clever piece of propaganda, another way of winning the war, and the last peace offensive. Britain's sincerity in making these proposals will forever remain a mystery. America never tested it by showing the least inclination to accept a reconciliation. Only as a peace offensive is the diplomacy of reunion explainable. Corruption, bribery, and honors tested the integrity of colonial leaders. Even John Adams had his patriotism tested. Someone threw a peace proposal over his gate in Paris recommending an American peerage of two hundred colonists, such as Frank-

[124] Carlisle to Lafayette, October 11, 1778, in Stevens, *Facsimiles*, no. 1177.

[125] Washington to D'Estaing, October 31, 1778, in Ford, *Writings of Washington*, VII, 238–39.

[126] Henry Laurens to Washington, August 29, 1778, in Sparks, *Correspondence of the American Revolution*, II, 195.

[127] Letter of Johnston given to Adam Ferguson for publication, dated September 28, 1778, from the Boston *Gazette*, October 5, 1778. See also, Jared Sparks (ed.), *Lives of Charles Lee and Joseph Reed*, in *The Library of American Biography*, 25 vols. (Boston, 1834–1848), XVIII (1848), 408–15.

lin, Washington, Samuel Adams, and John Hancock.[128] It was a peculiar offer, and one can easily imagine the laughter it aroused in Samuel Adams and John Hancock.

On August 21 Carlisle noted two unfortunate results of the commission's lingering in America: it gave Englishmen the false impression that peace was still possible; and it was a blow to England's pride for them to appear before the colonies and the world as beggars at the doors of Congress. If the commission's sojourn were cut short and the time and intention of departure announced, they would be able to test popular sentiment. Such an act might either incite the people to rise in opposition to their leaders, or indicate, by popular indifference, an invincible opposition to a reconciliation.[129]

After the first impression of their mission had worn away, the American Whigs subjected the commission to every embarrassment and attack. The belief spread that they had secret instructions to grant independence as a last resort. True or not—and it was not—the Whig propagandists loudly proclaimed it. When it was reported that England would trade independence for a separate peace, John Adams said it was her last effort to seduce and divide. Such an offer implied that England realized her inability to win and resented the formation of the alliance with France.[130] The public thought the purpose of the commission was to discover whether any solution short of independence would be accepted.[131] If independence were to come eventually, why not now? [132]

[128] See a discussion of this in Wells, *Life of Samuel Adams*, III, 29.

[129] "Minutes by Lord Carlisle," August 29, 1778, in *Carlisle MSS.*, 362.

[130] John Adams to Henry Laurens, July 27, 1778, in Charles F. Adams, *Works of John Adams*, VII, 21–22.

[131] See the Philadelphia *Pennsylvania Packet, or the General Advertiser*, October 27, 1778. This paper is a continuation of *Dunlap's Pennsylvania Packet, or the General Advertiser.*

[132] Article addressed to Carlisle, in the *North Carolina Gazette*, September 11, 1778. Germain was angry with David Hartley for telling Franklin that North meant to grant independence eventually. He hoped in future that North would shun such advisers as Hartley. Letter to William Knox, October 29, 1778, in *Reports on MSS. in Various Collections*, VI, 152.

The minority in Parliament also gradually turned to independence as a last resort to leave England free to devote her full strength against France. The party in power continued to oppose such an alternative and asserted that many of the rebel leaders were under the influence and pay of France, who would not allow them to make a separate peace.[133] Though England granted independence to the original thirteen colonies, Germain thought it would not bring peace because the colonists would fight until all the remaining British colonies in North America won an equal freedom.[134] Despite the wishes of either side the issue could be decided only by force.

If there were to be a reversion to the policy of coercion, the commissioners recommended that all participants in colonial government after a certain date be attainted by an act of Parliament.[135] Wishing to aid the Loyalists before leaving the continent, they allowed some relaxation on the Prohibitory Acts.[136] But even the Loyalists opposed an immediate reestablishment of civil government in New York City. Fearing Whig revenge, they trembled at any further reduction of the British force in America [137] and realized that the commissioners could do little for them.

After the declaration of August 26, the commissioners impatiently awaited the lapse of sufficient time to permit the issuance of their final manifesto,[138] a step anticipated earlier in the instructions. In a memorandum of June 6,[139] Carlisle noted the exact arguments of the manifesto. He desired to

[133] Commissioners to Germain, September 21, 1778, in Stevens, *Facsimiles,* no. 1161.

[134] Germain to commissioners, November 4, 1778, *ibid.,* no. 1206. Commissioners to Germain, November 16, 1778, *ibid.,* no. 1215.

[135] Suggestion made to Germain, November 16, 1778, *ibid.,* no. 1215.

[136] See papers cited under *ibid.,* no. 1059.

[137] Commissioners to Germain, November 16, 1778, *ibid.,* no. 1215. See also, *id.* to *id.,* November 27, 1778, *ibid.,* no. 1227; and William Eden to William Knox, April 11, 1779, *ibid.,* no. 1282.

[138] Lord Carlisle to Lady Carlisle, September 22, 1778, in *Carlisle MSS.,* 367–68.

[139] This document is in Stevens, *Facsimiles,* no. 72.

preserve national honor, focus public attention on their liberal concessions, and

> impress a proper sense of those calamities which must otherwise be expected;—in short We shall labour to evince that our Departure is not a Measure of Despondency, but (what we hope it will prove) the signal of the Spirited Perseverance and Exertion which His Majesty's Kingdoms thro' all our History have shewn in every occasion of Distress or Embarassment.[140]

To erase the impression of their authority to grant independence, revive a few Loyalist hopes, convert colonials to the British side, destroy the belief in their lack of sincerity, deny that the present offers would always be available, fix the limits of "national Indulgence," test finally their theory of colonial disappointment in the French alliance, and leave the impression "rather of the Benevolence and spirit of Great Britain than of any Weakness and Want of system," [141] on October 3 they issued their valedictory manifesto.[142]

It declared that self-preservation justified England's destruction of the colonies; the Franco-American alliance made the contest a world struggle, far advanced beyond the narrow and friendly confines of a family quarrel. It reviewed the peace efforts of the mother country and lamented their shameful reception by the disobedient child. With the departure of the commissioners, America would lose its chance of a peaceful reconciliation. Ruin and disaster faced the colonies. It offered

[140] Commissioners to Germain, September 21, 1778, *ibid.*, no. 1161.

[141] Commissioners to Germain, October 15, 1778, *ibid.*, no. 1178.

[142] Eden wrote Clinton: "As I take this to be the last Act of my Political Life (at least on this side of the Atlantic) I have been extremely anxious to make a right Exit, & am satisfied that by the Help of L. Carlisle & Dr. Ferguson this our last Will & Testament is so guarded as to take the full Chance of doing Good, without hazarding any possible Mischief.—Its Effects may depend greatly on the forwarding it to the different Provinces so as to arrive about the same Time that it is received by the Congress; & in this Part of the Story, your Knowledge & Authority are quite essential to Us." October 4, 1778, in Clinton MSS., LI.

again to negotiate and warned that Congress was not authorized to reject proposals without the consent of the provincial assemblies, which had not yet ratified the treaty of alliance with France. It blamed Congress for the war; gave each colony a chance to make a separate peace; stated that every motive, political and moral, should persuade the people to accept the offers; professed the commissioners' purpose to cement the colonies to the mother country, not to foment popular divisions; and requested the people to recall the revolution's original objectives—redress of specific grievances, not independence. The present offers removed those grievances. It reminded the religious elements of Congress's attempt to connect them with a power historically averse to toleration and inveterately opposed to freedom of worship, and of England's noted tolerance and guardianship of religious liberty. Could the people be unaware of the vast commercial and economic benefits of a union with Great Britain? The policy of England thus far aimed to check the extremes of a war between British subjects, but the French alliance justified any means to destroy such a connection.[143] From October 3 to November 11, their offers would be available. By flags of truce they sent copies,[144] in German and English, to Congress, the general assemblies, and the people.

This manifesto gave the Whig propagandists a chance to take a parting shot at the commission and review the whole gamut of grievances against the mother country. They called it the dying effort of a despairing, "sanguinary faction"; told the commissioners such open attempts at fraud and deceit were doomed to failure; and advised that the East Indies might give opportunity for another lucrative commission. A Virginian continued with the warning: "You may turn your eyes with

[143] The British army, wherever possible, destroyed property, seized slaves, and laid waste the countryside to make America a useless ally of France. The treatment of Jefferson's farm by Colonel Tarleton, June, 1781, is common knowledge.

[144] Proclamation in the *Annual Register*, XXI, 328 *et seqq.*

regret from the rising grandeur of America to the miserable catastrophe which awaits your own nation." [145]

With reference to a more devastating war, Thomas Paine inquired whether they were men or devils: "You have already equalled, and in many cases excelled the savages of either Indies; and if you have yet a cruelty in store, you must have imported it, unmixed with every human material, from the original warehouse of hell." [146] "Hortentius" believed it was calculated more for the meridian of London than America.[147] Since England had failed to re-establish her authority in America and prevent the French alliance, the commissioners would give ten thousand pounds for a more effective way of burning towns, murdering people, and carrying on war.[148]

Another propagandist called it a begging performance, in the style of "God bless your honors, bestow your charity for the Lord's sake; . . . ." and with the added advice: "Poor devils! Why don't they get home and mind their hardware and broadcloth, and not pester us with scribbling letters and petitionary proclamations." [149] Had the proclamation come three years earlier, wrote "Philanthropus" to the commissioners, it would have gladdened many hearts. That England was the best guardian of, and most ready to extend, religious liberty was strange in view of the British sacramental test act requiring every Scotchman in Parliament to renounce his Presbyterian profession and kneel "at your chancel-table and take the sacrament after the Episcopal form, and take a swarm of state oaths." [150]

The agents of Congress in Europe pictured England as in-

[145] An open letter to the commissioners, from the *North Carolina Gazette*, November 20, 1778.

[146] Thomas Paine, "The Crisis," No. VI, in Moncure D. Conway (ed.), *The Writings of Thomas Paine*, 4 vols. (New York, 1894), I, 262.

[147] An article in the *Pennsylvania Packet, or the General Advertiser*, November 5, 1778. See also, a long poem to the commissioners concerning the manifesto and proclamation in the *Connecticut Courant*, November 10, 1778.

[148] A proclamation from *ibid.*, October 27, 1778.

[149] *Ibid.*, October 15, 1778. [150] An open letter in *ibid.*, November 5, 1778.

humanly planning to murder a people and destroy property in a manner unnatural to all civilized peoples throughout world history. They could say in the language of Arthur Lee: "Our liberties, which were the object of the war, are secure; we are now fighting the battles of humanity and of nations, against the avowed and bitter enemies of both." [151] A desire for assistance rather than an actual fear of British cruelty was the basis for such statements. Paris agents used the manifesto to urge Louis XVI to protest against such satanic cruelties and added that if it were once admitted that powers at war have a right to do whatever will weaken or terrify an enemy, it is difficult to foresee where it will end. It would be possible to burn the great cities of Europe.[152] They informed the French King of another more effective measure: "that of sending a powerful fleet, sufficient to secure a naval superiority over them in the American seas." [153]

The manifesto effected greater unanimity within the ranks of American Whigs and left the Loyalists an unenviable future. It is very doubtful that it had any serious effect on Washington's army, but the Loyalists reported that it caused much commotion among the continental officers.[154] On October 15, when Congress received information that the commission had engaged vessels to distribute the proclamation, it retorted with a resolution:

That it be recommended to the executive powers of these United States, to take up and secure in safe and close custody all and any person and persons who, under the sanction of a flag or otherwise, may be concerned or engaged in the purposes aforesaid: and further, that the papers aforesaid be printed in the several gazettes more fully to convince the good people of these states of the insidious design of the said commissioners.[155]

151 Arthur Lee to the Baron De Schulenberg, December 25, 1778, in Sparks, *Correspondence of the American Revolution*, II, 210.

152 Paris agents to Vergennes, January 1, 1779, *ibid.*, I, 505–06.

153 *Ibid.* 154 See Rivington's *Royal Gazette*, October 24, 1778.

155 *Journals of Congress*, XII, 1015–16. Many were imprisoned. See Stevens, *Facsimiles*, nos. 1194, 1198, 1214.

Few copies of the resolution ever reached their destination.

On October 30 Congress issued a counter-manifesto.[156] It defended the rebellion and the rights of man, denounced war, noted America's lenity as compared with England's harshness, and condemned British treatment of American prisoners. British attempts at bribery and division mocked humanity, religion, and reason. Despite the rights of mankind, it avowed before God that if the enemy persisted in their campaign of barbarity, "we will take such exemplary vengeance as shall deter others from a like conduct." [157] The British commissioners at first thought so "insolent and contemptible" an act unworthy of reply, but aware of American gullibility they republished the counter-manifesto with added remarks.[158] It was a refutation of every point made in the manifesto of Congress. England planned no unusual cruelties upon America, authorized no person to bribe American citizens, and did not mock humanity, religion, and reason by offers of reconciliation. Again they blamed Congress for all the trouble and accused it of acting in its own selfish interests without regard to the people.[159]

Thus mutual provocation arose from the overtures for conciliation, which "were spurned by the angry passion which happened at the moment to possess the other. Such a quarrel cannot outlive the return of reason: If ever those returns shall come at the same time to both parties." [160] The Loyalists declared that Congress insulted mankind with "a pompous collection of nervous dogmas, and florid sophisms" without the least basis in reason.[161] They begged the commissioners to remain in America and continue their efforts for peace, but the latter felt that the reply of Congress combined with the

[156] A document found in Stevens, *Facsimiles*, no. 1199. [157] *Ibid.*

[158] Commissioners to Germain, November 16, 1778, *ibid.*, no. 1215.

[159] The manifesto with remarks by the commissioners subjoined is found in *ibid.*, no. 1200.

[160] A comment on the above manifesto and the remarks by the commissioners, in the *New York Gazette & Weekly Mercury*, November 23, 1778.

[161] "Modestus," in Rivington's *Royal Gazette*, November 14, 1778.

French alliance "have put an effectual stop to all pacific Advances on our part." [162] Turning some of their wrath against England, the Loyalists now declared that if Great Britain had spent as much time and money trying to protect and encourage them as in attempting to crush the rebellion, the war would long ago have been ended and a reunion effected.[163] The only result of such requests and warnings was to raise the possibility of a truce for eight or ten years. The commission had no faith in this last resort [164] and Congress would have rejected it.

The Whig propagandists did an excellent piece of work. The impossibility of winning the war dictated the proposals. The French alliance assured American independence, and instead of listening to compromises, the people redoubled their efforts. They condemned every act of the commissioners as evidence of insincerity and gave the impression to the public that their authority, characters, and proclamations were questionable. Another reason for the failure of the peace effort of 1778, noted Sir Henry Clinton, lay in the fact that:

> It was difficult to hold forth Terms of sufficient advantage to excite those People to Defection from the Rebels, without giving Cause of Dissatisfaction to such of the natives of the Country as had, uninvited by Reward, manifested their attachments to their King by taking up arms in the first Provincial Corps that were formed.[165]

The commissioners had long desired to be relieved of so distressing and embarrassing a task.[166] The return home ended in seasickness for Eden and a depressive mood for Carlisle.

[162] Commissioners to Germain, warning him against a too docile acceptance of Loyalist opinion, September 5, 1778, Stevens, *Facsimiles,* no. 114. See also, letter of Frederick Smyth, former chief justice of New Jersey, to commissioners, September 21, 1778, *ibid.,* no. 1156.

[163] Address of the Loyalists of New York City to the commissioners, November 23, 1778, *ibid.,* no. 1226.

[164] See Carlisle's Minutes on the idea of a truce, August 29, 1778, *ibid.,* no. 91.

[165] Clinton to Germain, October 23, 1778, *ibid.,* no. 1190.

[166] Commissioners to Germain, November 15, 1778, *ibid.,* no. 1213.

Their manifesto had stirred up a hornet's nest and debate [167] raged warmly over the avowed necessity of destroying America. In a final desperate defense, Carlisle, urged on by Eden, threatened to reveal to the public the situation that faced them upon their arrival and ask for a public investigation of the commission's conduct. This threat excited Lord North so much that he wrote Eden asking him to reconsider his advice and prevent the government's being embarrassed by an investigation. At the bottom of the letter [168] he requested Eden to burn it. Carlisle never carried out his threat and the affair sank into pleasant obscurity. Eden's impudence revealed to the King his ambitious nature, his true character, so much so in fact, "that it would be but wasting time expatiating upon it." [169]

The Carlisle Commission received more extensive powers than the first peace commission, but its instructions provided that the term of the commission was to expire June 1, 1779. Germain said this grant of extensive powers for a limited time arose from the Franco-American alliance. To prevent this alliance the King rushed the Carlisle Commission to America to seek a reconciliation, "but limiting the continuance of them to a short Period, manifestly intending That if the Commissioners should fail to prevent the Alliance with France or to bring back the Colonies to their duty before a War with that Crown became unavoidable those Powers should no longer be intrusted out of the Legislature." [170]

After the departure of the three civil commissioners—Carlisle, Eden, and Johnston—Clinton retained the power to restore peace based on the Prohibitory Act of 1775 from which the Howe Commission had derived its powers. Against the wish of Germain, Clinton began suspending the Restraining

[167] Debate of December 4, 1778, in *Parliamentary History*, XIX, 1388–89.

[168] North to Eden, February 10, 1779, in Stevens, *Facsimiles*, no. 556.

[169] George III to North, February 11, 1779, *ibid.*, no. 557.

[170] Germain to Clinton and Arbuthnot, August 3, 1780, in the Clinton MSS., CXLIX.

Act in behalf of a number of loyal ports. Petitions [171] and memorials came to him from various southern colonies after 1778 seeking aid to crush the rebellion. No records were available to indicate how many people sought assistance and pardon, but the reports of a swing toward reconciliation in the South reached Parliament and stirred up constant debate about a third peace commission. On June 11, 1779, Sir William Meredith recalled the failure of the Carlisle Commission and advised Parliament to repeal the troublesome Prohibitory Act. He moved an address to the King to express the desire of the Commons for a reconciliation, note the failure to crush the rebellion, warn against the hostile designs of Europe, and request another peace effort. North thought the motion futile because he had already offered everything compatible with national honor. The House of Commons rejected it without a division.[172]

Clinton received his commission, orders and instructions to restore peace in September, 1779. To assist him in the execution of these civil duties, the King appointed Charles Earl Cornwallis, James Robertson, a major general in the British army, and the various Tory governors remaining in America. Clinton and his council were to confer with the colonists upon all matters of government, law, and treason; restore to British allegiance any provinces which sincerely sought it; and grant pardons to groups and individuals by proclamation upon compliance with certain preliminary conditions. Revolutionary governments were to be abolished, constitutional governments restored, and rebel armies disbanded. George III sought the opinion of leading colonists upon the various acts of Parliament which had caused much trouble in the decade before the Revolution, but he urged

[171] See proclamation suspending the act in behalf of Newport, February 3, 1779, *ibid.*, CXXVI. Several of these petitions are in *ibid.*, LXXXIII–LXXXIV. See also, letter of Germain to William Knox, February 1, 1779, Knox MSS., IV, 54.

[172] *Parliamentary History*, XX, 849–53.

Clinton to say nothing which might preclude the exercise of royal discretion.[173] Without the least reasonable hope of success, Clinton and his colleagues issued proclamations and advertised their peace offers. The peace offensives continued on both sides of the water. Even as late as December, 1780, Germain received a request to send out a new peace commission with powers similar to those of the Carlisle Commission. His informer said Washington could be bought with honors.[174] The British government used every conceivable method after 1779 until the end of the war to avoid granting independence to the American colonies. At the last moment of the final peace negotiations George III sought to treat on terms short of an absolute separation, but that story belongs more properly to the history of the Treaty of Paris, which formally ended the American Revolution and created an independent United States of America.

The situation that faced the Carlisle Peace Commission on its arrival in America—the loss of the support of the military arm, the French treaties, the old factor of mutual distrust, Whig propaganda, and the colonial realization that independence was actually possible—made the commission futile. Not for one moment did it have a chance of succeeding.

[173] Orders and instructions to Clinton, July 22, 1779, in the Clinton MSS., X. See also the London Public Record Office, Colonial Office, V, 178; and the letters of August 5 and September 27, 1779, in the Clinton MSS., XVIII.

[174] G. B. Rodney to Germain, December 22, 1780, in the Sackville MSS., 1780.

CHAPTER XI

CONCLUSION

BETWEEN the passage of the coercive measures of 1774 and the battle of Lexington in 1775 lay the period when reconciliation was possible, when a final reconsideration of the mutual benefits of the colonial relationship might have occurred. Neither side had really taken final action, although England had adopted a policy requiring unconditional submission for America, and the colonial patriots were organizing their resistance. Nor had either side definitely decided upon its future policy. However, the trend of events lay in the direction of violence and bloodshed. Each move in the developing crisis tended to accentuate age-old hatreds and to rush the governments of both sides on to the clash of arms.

When England decided upon subjugation of America, the radicals organized the First Continental Congress and made it their agent in the crisis. They sought until 1776 a restoration of the pre-1763 condition of British noninterference in American affairs. Britain might tax them or regulate their trade, but the mother country would not be allowed to do both. By hurriedly brushing aside this offer, England left America but one choice—independence or submission.

Then Lord North found it expedient to offer a plan of his own. This caused needless apprehension on the part of a few Tories, who thought the minister was yielding too much. The opposition in Parliament distrusted and opposed the plan. It provided for an unconditional submission of the colonists and offered not to tax Americans as long as they gave as much as Parliament desired. North probably introduced the proposal to evade the charge of pushing America to extremes. Many

Englishmen as well as Americans denounced him for narrowing the issue to independence or submission. The British opponents of North's plan said America would reject it and that the government would then use the rejection to bolster support for coercion.

The patriots were skeptical of the offer and through their Congress once more proposed that Britain be content with taxing them or regulating their trade. Parliament, they firmly declared, had no right to meddle with their internal and civil affairs. In view of the issues in conflict for over a century, this defiant rejection was inevitable. It seems unreasonable that Lord North should ever have expected colonial acceptance of his plan. However, he continued to play with the possibility of a reunion without genuine concessions and in 1776, after an unexplainable delay, appointed the Howe brothers to reconcile America—one is tempted to say in their spare time. They told the colonists that they could resume their trade within the empire if they returned to their former allegiance, abolished the committees of correspondence, ceased their economic boycott, abandoned Congress, demobilized the army, and accepted North's proposal. After these acts and after seeing self-government erased finally in Rhode Island and Connecticut, the rebels could seek a pardon. This offer brought into bolder relief the policy of coercion. Such a reactionary proposal, such a loss of liberty, the committee of Congress informed Lord Howe at Staten Island, the Americans would not tolerate. Only military defeat would force America to accept Howe's terms. Fundamental issues could not be ignored. North's effort to evade compromise and befog the real conflict strengthened colonial determination to cease all efforts at peace short of independence. The English government considered this emphatic rejection, following as it did the Declaration of Independence, as final evidence of colonial obstinacy and adherence to their aim of complete separation.

The opposition in England seemed tireless in its efforts to reconcile America. Yet their hurried gestures fell strikingly

short of solving the basic issues at stake. In spite of the rapid increase in colonial wealth and population, few Englishmen except Burke apparently saw that they must make liberal concessions to Americans to ease their minds on the questions of internal affairs, taxation, commercial regulation, and a host of minor practices. It is not implied that independence was an improper solution when it is asserted that a proper and lasting settlement of the quarrel on a basis of reconciliation demanded greater concessions.

From the impersonal, objective, and speculative angle, it is both interesting and significant to know wherein this attempt at compromise of basic issues fell short. In this connection then, it is important to note that individuals in and out of Parliament but dimly realized that the constitutional organization and political freedom of the colonies were far in advance of the British system. Thus British articulate opinion allowed the colonies to become the scene of a political unrest which might have been settled by compromise. On the other hand, it seems but fair to state that the patriots in America were equally unaware of the necessity for greater centralized control from London in the event of the continuation of British dominion over America. Certainly the experience of the nation under the Confederation is ample evidence of this unawareness of the need for any centralized supervision.

This question has been viewed primarily from the angle of contemporary statesmanship. Alternatives seem not so clear and obvious in a crisis as in historical retrospect. British proposals and colonial counter-proposals and rejections were of course incomplete in detail and logic. Today they seem to have been childish, amazingly incomplete, utterly in vain. But these words all indicate that we judge the patriots by one hundred and sixty-six years of hindsight. The opposition effort, however, indicated the division of sentiment in England and encouraged American leaders. Perhaps the war would never have begun had men thought out a real solution. Men may be driven to war because there are no real solutions short of war

that would preserve existing benefits to one side or the other. Quite obviously men then thought their problems solvable only by war and time has sanctioned the war's results. In this vein one might easily come to the opinion that efforts to reach a compromise after war has begun are really and wholly futile. The undertone of the record of men who tried to effect a reconciliation was that they almost universally doubted that their plans would be accepted or that any plans would be accepted. In short, the contemporaries had no faith in peace efforts after war had begun. Political reasons probably lay back of the official and unofficial proposals.

The hope of receiving foreign assistance was one reason why Congress declared American independence. Naturally, to offset and thwart this aid England promoted constantly the appearance of reconciliation. However, it was precisely this fear of a reunion that caused France finally to ally herself with the rebels. The French government asserted repeatedly with doubtful accuracy that England might reconcile America and then unite in a joint attack upon France. Burgoyne's defeat stiffened French determination and the Franco-American alliance eliminated any immediate possibility of a reconciliation.

It seems beyond reasonable doubt that fear of this alliance and the difficulty of subduing America caused England to offer genuine concessions in 1778. Although they arose from the expediency of the moment, with little expectation of an acceptance, they showed an amazing advancement over previous proposals and a departure from the three-year-old policy of unconditional coercion. In view of the fact that Britain now offered to concede anything but actual separation, to yield taxation and retain trade regulation, and to give definite assurances in many other directions, thereby complying with the colonial suggestions of 1774–1776, it may be said that had North's concessions been offered two years earlier they would in all probability have been accepted. However, offered when and as they were, in the wake of British defeat and colonial

diplomatic success, they led the colonists to reason correctly that they were based on despair, and that they were an act of necessity and not of choice.

In retrospect, three possible solutions of the American question are evident. Coercion tempered with extremely weak concessions was the solution Lord North chose to follow until 1778. In this period, perhaps, North's government failed to grasp the significance of the outbreak of violence in America and incorrectly assumed that a mere show of force would crush all resistance. Although the patriots met in the First Continental Congress and fought the battle of Lexington in order to obtain a redress of grievances, rather than an actual separation, the British government neither offered sufficient concessions to redress the grievances nor sent enough troops to put down the rebellion.

Independence was obviously another solution. It seems the most enlightened solution, but must solutions always come by war rather than by compromise? Englishmen considered this alternative of separation utterly unacceptable until disastrous military defeat made it necessary. A curious and unreasonable yet permanent and universal instinct seemed to be, in the opinion of Adam Smith, that "no nation ever voluntarily gave up the dominion of any province, how troublesome soever the revenue which it afforded might be in proportion to the expense which it occasioned." [1] Proud and selfish politicians apt to lose their jobs and opportunities of acquiring wealth from the colonies brushed aside this solution until it became unavoidable.

Out of long historical experience there has evolved a third solution in the dominion status, which has achieved national freedom within imperial unity. Dominion status had not been conceived fully at the time of the American Revolution. Most British leaders saw not the necessity of extensive concessions to retain the colonies. The nearest approach to any reunion was

[1] James E. Therold Rogen (ed.), Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations,* 2 vols. (Oxford, 1880), II, 198.

the American suggestion of an alliance with England after British recognition of the independence of the United States. No one can say how happy or how prosperous the people might have been had they remained in the Empire. Yielding independence would seriously have disappointed the patriot group, but dominion status would have aided other groups in the population, especially of course the Loyalists.

No definite answer to the question why reconciliation failed is available, but certain factors in explanation of this failure may be noted. First, the development of the colonies since 1607 had been along a path divergent from that of the mother country. Separate economic interests, different social and political institutions, and British failure to keep its colonial system abreast of the growing colonies had permitted the rise of forces and conflicts and the existence of deep-seated grievances which England had not recognized as dangerous or had failed to remove. Reconciliation failed and the empire broke up as a result of those daily decisions worked out in London from 1607 until the coercive acts of 1774, restricting colonial commerce, regulating colonial internal life, and adhering inflexibly to custom and law.

Second, out of this divergent evolution came another important reason for the failure, the lack of mutual confidence. The British governing classes believed the colonists desired and aimed at nothing but independence. The colonists, on the other hand, thought Englishmen wished for nothing but the absolute and unconditional submission of America. In this belief the war began and ended. What men actually think, be the thought true or false, is important because they will obviously act out their thoughts. In this sense, actual truth may be incidental or nonexistent as a motive for action. In July, 1776, the colonies made their final decision; propositions of reconciliation thereafter were useless.

Third, it seems that the beginning of war itself actually doomed reconciliation. Once men allow affairs to reach this

violent conclusion, obviously their sole reliance thereafter will be upon the force of arms, not diplomatic maneuvering. Always, it seems, it will be too late to adjust quarrels after blood has been shed and the first blow struck. It is utterly foolish to rely upon peace movements after this. A fourth explanation, somewhat related to the third, lies in the fact that the colonial leaders who would have had the influence to win American acceptance of reunion were preoccupied with the details of prosecuting the war after it had begun and were unable as well as unwilling to consider conciliation.

A fifth explanation of the failure was the absence of an acceptable offer until too late to win even a fair hearing in America. By 1778, Britain had shown an inability to crush the rebellion and America had succeeded in obtaining an alliance with France, guaranteeing independence. Again, however, it seems naïve to assume that men who had allowed affairs to reach a crisis in 1774 should be expected to turn around and reverse themselves completely, admit their errors, and make amends. Only the blows of battle and hard, desperate necessity drove Lord North and the British ruling class to make the offers of 1778. It was the tragedy of events, not reason or a real change of mind, that forced them to the final peace effort.

Finally, reconciliation failed because after 1778 Americans never faced the desperate necessity of having to accept any proposal short of independence. By actual military victory they won their objective of a separation. Undoubtedly, there was a rising support for the winning of independence with each little gain along the way toward that objective. A military stalemate or approaching exhaustion of colonial strength might very readily have made the patriots willing to accept such a plan as North offered in 1778. As it was, they adhered to their decision of 1775 to rest the issue of the struggle solely upon their arms. They never seriously considered, it seems, even the slightest possibility that a solution of the crisis would ever come in any other way than by force after July, 1776.

Those who spoke for hearing what Lord Carlisle had to offer them in 1778 in all probability represented a very small minority of the members of Congress, who were afraid that Americans might lose the war, but who nevertheless preferred independence above reconciliation.

Britain became aware of her plight too late. French intervention was the event that gave the final blow to all hopes of reconciliation. By the failure of reconciliation, American independence was established. However, the effort at reconciliation was not wholly in vain. The ideas formed in 1778 in the Act of Renunciation, upon which the Carlisle Commission was based, later served to guide British statesmen in the formation of policies extending greater privileges to the remaining possessions. The origins of a more enlightened colonial policy were in the years 1774–1783.

From this study emerge certain warnings which might guide the present or any future generation. The story of reconciliation is one more illustration of the importance of day-to-day decisions. These decisions year after year create major conflicts. The story reveals at many points how human intelligence failed to measure up to the needs of the moment, how statesmanship erred, how basic issues were ignored, how public opinion in England and America was propagandized for the cause or against the cause of America. The study shows how significant is a small, well-informed, closely organized minority and how great the advantage such a minority has over an unorganized majority which lacks a common objective of attack or unified defense. It was the obvious and natural thing for the patriots to change their objective quickly and easily from an attempt to obtain redress of specific grievances to the effort to win a final separation from Britain. Independence and unconditional submission were far easier alternatives than reconciliation. They had the precedent of history back of them. Compromise of basic issues by peaceful means has yet, alas, a long way to go to win universal sanction. If this be true

in peacetime, in war the difficulty of compromise on a basis of mutual concessions becomes so great as to make phantastic all the hopes and efforts of puny statesmen to save others and themselves from their own blindness and conceit.

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The long titles of these items convey a fair statement of their contents. This list of pamphlets merely indicates the variety and volume of the popular reaction to conciliation. It is not complete.

Accommodation Cordially Desired and Really Intended, in *Miscellaneous Pamphlets.* (Library of Congress.)

Allen, William, *The American Crisis; a Letter, Addressed by Permission to the Earl Gower, Lord President of the Council, &c. . . . on the Present Alarming Disturbances in the Colonies. Wherein Various Points, Relative to Plantation Affairs, Are Brought into Discussion . . . And an Idea is Offered towards a Complete Plan for Restoring the Dependence of America upon Great Britain to a State of Perfection* (London: Printed for T. Cadell, 1774). (Newberry Library, Chicago.)

America Vindicated from the High Charge of Ingratitude and Rebellion; with a Plan of Legislation, Proposed to the Consideration of Both Houses, for Establishing a Permanent and Solid Foundation, for a Just Constitutional Union, between Great Britain and Her Colonies. By a friend to both Countries. [Devizes (Eng.) by T. Burough, 1774]. Newberry Library.)

Anderson, James, *The Interest of Great-Britain with Regard to Her American Colonies, Considered, To Which Is Added an Appendix, Containing the Outlines of a Plan for a General Pacification* (London: Printed for T. Cadell, 1782). (Newberry Library.)

An Appeal to Reason and Justice, in Behalf of the British Constitution, and the Subjects of the British Empire. In Which the Present Important Contest with the Revolted Colonies Is Im-

partially Considered . . . To Which Is Added, an Appendix, Containing Remarks on a Pamphlet Intitled, 'Thoughts on the Present State of Affairs with America.' By William Pulteney, esq. (London: Printed for W. Nicoll, 1778). (Newberry Library.)

Candidus [pseud.], *Additions to Plain Truth; Addressed to the Inhabitants of America, Containing, Further Remarks on a Late Pamphlet, Entitled, Common Sense; Wherein, Are Clearly and Fully Shewn, That American Independence, Is As Illusory, Ruinous, and Impracticable, As a Liberal Reconciliation with Great Britain, Is Safe, Honorable, and Expedient* (Philadelphia: Printed and sold by R. Bell, 1776). (Newberry Library.)

———, *Plain Truth; Addressed to the Inhabitants of America, Containing, Remarks on a Late Pamphlet, Entitled Common Sense, Wherein Are Shewn, That the Scheme of Independence Is Ruinous, Delusive, and Impracticable: That Were the Author's Asservations, Respecting the Power of America, As Real As Nugatory; Reconciliation on Liberal Principles with Great Britain, Would Be Exalted Policy; and That Circumstanced As We Are, Permanent Liberty, and True Happiness, Can Only Be Obtained by Reconciliation with That Kingdom* (Philadelphia: Printed and sold by R. Bell, 1776). (Newberry Library.)

[Cartwright, John], *American Independence, the Interest and Glory of Great-Britain, A New Edition, To Which Is Added, a Copious Appendix, Containing Two Additional Letters to the Legislature; a Letter to Edmund Burke . . . Controverting His Principles of American Government. And a Postscript, Containing New Arguments . . . a Draught for a Bill Proposed to be Brought into Parliament for Restoring Peace and Harmony and for Perpetuating the Same* (London: Printed by H. S. Woodfall, 1775). (Newberry Library.)

———, *American Independence the Interest and Glory of Great Britain; Containing Arguments which Prove, that Not Only in Taxation, but in Trade, Manufactures, and Government, the Colonies Are Entitled to an Entire Independency on the*

British Legislature; and that it Can Only be by a Formal Declaration of these Rights, and Forming thereupon a Friendly League with them, that the True and Lasting Welfare of both Countries can be Promoted (Philadelphia: Printed by Robert Bell, 1776). (Newberry Library.)

[Chandler, Thomas Bradbury], *What Think Ye of Congress Now? or, An Enquiry, how far the Americans are Bound to Abide by, and Execute, the Decisions of the Late Congress?* (New York: Printed by J. Rivington, 1775). (Newberry Library and Library of Congress.)

The Conciliatory Bills Considered (London: Printed for T. Cadell, 1778). (Newberry Library.)

Considerations on the Attorney-General's Proposition for a Bill for the Establishment of Peace with America. By an Old Member of Parliament (London: Printed for J. Debrett, 1782). (Newberry Library.)

Considerations on the Mode and Terms of a Treaty of Peace with America (London: Printed for E. and C. Dilly, 1778). (Newberry Library.)

Conway, Henry S., *The Speech of General Conway . . . on Moving in the House of Commons (on the 5th of May, 1780) 'That Leave be given to bring in a Bill for Quieting the Troubles now Reigning in the British Colonies in America, and for Enabling His Majesty to Appoint Commissioners, with Full Powers to Treat, and Conclude upon Terms of Conciliation with the Said Colonies'* (London: Printed for T. Cadell, 1781). (Newberry Library.)

An Essay on the Interests of Britain, in Regard to America; or, An Outline of the Terms on which Peace may be Restored to the Two Countries (London: Printed for J. Sewell, 1780). (Newberry Library.)

Essays Commercial and Political, on the Real and Relative Interests of Imperial and Dependent States, Particularly those of Great Britain and Her Dependencies: Displaying the Probable Causes of, and a Mode of Compromising the Present Disputes

between this Country and Her American Colonies, To which is Added, an Appendix, on the Means of Emancipating Slaves, without Loss to their Proprietors (Newcastle: Printed by T. Saint, 1777). (Newberry Library.)

An Examination into the Conduct of the Present Administration, from the Year 1774 to the Year 1778. And a Plan of Accommodation with America. By a Member of Parliament (London: Printed for J. Almon, 1778). (Newberry Library.)

[Green, Jacob], *Observations; on the Reconciliation of Great-Britain, and the Colonies; in which are Exhibited, Arguments For, and Against, that Measure.* By a Friend of American Liberty (Philadelphia: Printed by Robert Bell, 1776). (Newberry Library.)

Independencey the Object of the Congress in America, Or, An Appeal to Facts (London: Printed for J., F., and C. Rivington, 1776). (Newberry Library.)

Howe, Lieut. Gen. Sir William, *The Narrative of Lieut. Gen. Sir William Howe, in a Committee of the House of Commons, on the 29th of April, 1779, Relative to His Conduct, during His Late Command of the King's Troops in North America: to which are added, Some Observations upon a Pamphlet, entitled, Letters to a Nobleman* (London: Printed by H. Baldwin, in Fleet-Street, 1780). (William L. Clements Library.)

A Letter to Lord George Germaine, Giving An Account of the Origin of the Dispute between Great Britain and the Colonies; with some Remarks on the Manner in which the War has been conducted. To which are Added, Certain Terms, Humbly Proposed as a Ground-Work of a Reconciliation. By a Gentleman, for Many Years a Resident in America (London: Printed for T. Whieldon and Walker, 1778). (Newberry Library.)

A Letter to the English Nation, on the Present War with America; with a Review of our Military Operations in that Country; and a Series of Facts Never before Published, from which the Absolute Impossibility of Reducing the Colonies will Sufficiently Appear, and the Folly of Continuing the Contest Demonstrated, With a Prefatory Address to Sir George Saville, Bart.

By an Officer Returned from that Service (London: Printed for G. Corrall, 1777). (Newberry Library.)

M. A., *Reflections on the American Contest; in which the Consequence of a Forced Submission, and the Means of a Lasting Reconciliation are Pointed out, Communicated by Letter to a Member of Parliament, some time since, and now Addressed to Edmund Burke, esq.* (London: Printed for the author A. M., 1776). (Newberry Library.)

[Maseres, Francis], *The Canadian Freeholder; in Three Dialogues between an Englishman and a Frenchman, Settled in Canada, Shewing the Sentiments of the Bulk of the Freeholders of Canada Concerning the late Quebeck-Act; with some Remarks on the Boston-Charter Act; and an Attempt to Shew the Great Expediency of Immediately Repealing both those Acts of Parliament, and of Making some other Useful Regulations and Concessions to His Majesty's American Subjects, as a Ground for a Reconciliation with the United Colonies in America* (London: Sold by B. White, 1777–1779). (Newberry Library.)

Observations on the Reconciliation of Great Britain and her Colonies by a Friend of American Liberty (Philadelphia: Printed for Robert Bell, 1776). (Newberry Library.)

A Plan for Conciliating the Jarring Political Interests of Great Britain and Her North American Colonies, and For promoting a general Reunion throughout the Whole of the British Empire (London: Printed for J. Ridley, 1775). (Library of Congress and William L. Clements Library.)

A Plan of Reconciliation with America; consistent with the Dignity and Interest of both Countries (London: J. P. Coghlan, 1782). (Library of Congress and William L. Clements Library.)

A Plan, or Articles of Perpetual Union, Commerce, and Friendship, between Great-Britain and Her American Colonies; Founded on the Solid Basis of Justice, and Proposed as a Medium between the Claims of Total Independence on the One Hand, and Those of Legal Subjection on the Other (London: Printed for author, 1780). (Newberry Library.)

A Plan to Reconcile Great Britain with Her Colonies and Preserve the Dependency of America, by "Cosmopolite" (London, 1774). (Library of Congress.)

Pownall, Thomas, *The Administration of the British Colonies,* 2 vols. (London: Printed for J. Walter, 1777). (William L. Clements Library.)

Proposals for a Plan towards a Reconciliation and Re-Union with the Thirteen Provinces of America, and for a Union with the Other Colonies. By One of the Publick (London: Printed for G. Kearsly, 1778). (Newberry Library.)

A Proposition for the Present Peace and Future Government of the British Colonies of North America (London: Printed and sold for the author by W. Davis, 1775). (Newberry Library.)

Pulteney, William, *Thoughts on the Present State of Affairs with America, and the Means of Conciliation* (London: Printed for J. Dodsley and T. Cadell, 1778). (Newberry Library and Library of Congress.)

[Ramsay, Allan], *A Plan of Reconciliation between Great Britain and Her Colonies; Founded in Justice, and Constitutional Security; by which the Rights of Englishmen, in Matters of Taxation, are Preserved to the Inhabitants of America and the Islands Beyond the Atlantic* (London: Printed for J. Johnson, and P. Elmsly, 1776). (Library of Congress and Newberry Library.)

———, *A Plan of Reunion between Great Britain and Her Colonies* (London, 1778). Planned for publication two years earlier. (Library of Congress.)

Robinson, Matthew [Lord Rokeby], *Considerations on the Measures Carrying on with Respect to the British Colonies in America* (Boston, 1774). (Library of Congress.)

[Seabury, Samuel], *A View of the Controversy between Great-Britain and Her Colonies; Including a Mode of Determining Their Present Disputes, Finally and Effectually; and of Preventing all Future Contentions. In a Letter to the Author of A Full Vindication of the Measures of the Congress, from the*

Calumnies of Their Enemies. By A. W. Farmer, author of Free Thoughts, &c. (New York: printed; London: reprinted for Richardson and Urquhart, 1775). (Newberry Library.)

Seasonable Advice, to the Members of the British Parliament, Concerning Conciliatory Measures with America; and an Act of Perpetual Insolvency, for Relief of Debtors: with some Strictures on the Reciprocal Duties of Sovereigns, and Senators (London: Printed for J. Bew, 1775). (Newberry Library.)

Some Candid Suggestions towards Accommodation of Differences with America. Offered to Consideration of the Public (London: Printed for T. Cadell, 1775). (Newberry Library.)

Thoughts on Government: Applicable to the Present State of the American Colonies (Philadelphia, 1776). (William L. Clements Library.)

Tucker, John, *Interest of Great Britain considered with regard to Her Colonies* (Philadelphia, 1776). (Library of Congress.)

Tucker, Josiah, *Cui Bono? or, An Inquiry, What Benefits can arise either to the English or the Americans, the French, Spaniards, or Dutch, from the Greatest Victories, or Successes, in the Present War? Being a Series of Letters, Addressed to Monsieur Necker, Late Controller General of the Finances of France* (Glocester: Printed by R. Raikes for T. Cadell, 1781). (Newberry Library.)

———, *An Humble Address and Earnest Appeal to those Respectable Personages in Great-Britain and Ireland, who, by their Great and Permanent Interest in Landed Property, their Liberal Education, Elevated Rank and Enlarged Views, are the Ablest to Judge, and the Fittest to Decide, whether a Connection with, or a Separation from the Continental Colonies of America, be Most for the National Advantage, and the Lasting Benefit of these Kingdoms* (2d ed., corrected. Glocester, by R. Raikes, and sold by T. Cadell, London, 1775). (Newberry Library.)

———, *A Series of Answers of Certain Popular Objections, Against Separating from the Rebellious Colonies, and Discarding them*

Entirely; Being the Concluding Tract of the Dean of Glocester, on the Subject of American Affairs (Glocester, by R. Raikes, and sold by T. Cadell, London, 1776). (Newberry Library.)

Tucker, Josiah, *Tract V. The Respective Pleas and Arguments of the Mother Country, and of the Colonies, Distinctly Set Forth; and the Impossibility of a Compromise of Differences, or a Mutual Concession of Rights, Plainly Demonstrated. With a Prefatory Epistle to the Plenipotentiaries of the late Congress at Philadelphia* (Glocester, by R. Raikes, and sold by T. Cadell, London, 1775). (Newberry Library.)

———, *The True Interest of Great Britain, Set Forth in Regard to the Colonies; and the Only Means of Living in Peace and Harmony with Them* (Philadelphia: Printed by Robert Bell, 1776). (Newberry Library.)

Secondary Works

General

This enumeration of secondary works is highly selective. The study relied almost entirely upon primary sources, with but spasmodic reference to other writings.

Adams, Randolph G., *The Headquarter Papers of the British Army in North America During the War of the American Revolution* (Ann Arbor: The William L. Clements Library, 1926).

This work is a usable preface to the Clinton Manuscripts in the Clements Library.

———, *The Papers of Lord George Germain* (Ann Arbor: The William L. Clements Library, 1928).

Anderson, Troyer S., *The Command of the Howe Brothers During the American Revolution* (New York: Oxford University Press, 1936).

This work is especially valuable. It includes an excellent chapter on the Howe Commission.

Bancroft, George, *History of the United States of America,* 6 vols. (New York: D. Appleton and Company, 1897).

These were used for a few documents easily available in them.

Bemis, Samuel F., *The Diplomacy of the American Revolution, The Foundations of American Diplomacy, 1775–1823* (New York: D. Appleton-Century Company, 1935).
This volume was indispensable.

Botta, Charles, *History of the War of the Independence of the United States of America,* 2 vols. (New Haven: Published and Printed by Nathan Whiting, 1834).
These include a few items of interest. The Italian devoted far more space to the impact of reconciliation upon the war than did many other historians of the Revolution.

Clark, Dora Mae, *British Opinion and the American Revolution* (New Haven: Yale University Press, 1930).
This is an excellent study of British public opinion concerning the American Revolution from original sources and contemporary printed documents, pamphlets, correspondence, and memoirs.

Corwin, Edward S., *French Policy and the American Alliance of 1778* (Princeton: Princeton University Press, 1916).
This is an excellent study, upon which much reliance was placed especially in the chapter on the Franco-American alliance.

Coupland, Reginald, *The American Revolution and the British Empire* (London: Longmans, 1930).
A brilliant interpretation which reveals that later plans, evolved to solve dominion problems, arose first in discussion of North's Act of Renunciation of 1778. Britain did learn something from the peace efforts.

Doniol, Henri, *Histoire de la Participation de la France à L'Etablissement des Etats-Unis d'Amerique, Correspondence Diplomatique et Documents,* 5 vols. (Paris: Imprimerie Nationale, 1886–1892).
This is a valuable semi-secondary, semi-original source for the entire story of the American Revolution, with especial stress upon the part of France. It contains a full account of the influence of reconciliation upon the formation of the Franco-American alliance.

Fisher, Sydney G., *The Struggle for American Independence,* 2 vols. (Philadelphia: J. B. Lippincott Company, 1908).

A welcome revision of the old patriotic version of the Revolution which frankly asserts that Britain learned absolutely nothing from the conciliatory efforts except in future to adopt a stern policy of crushing all resistance in what was left of the empire before it could reach a crisis.

Fitzmaurice, Lord Edmond, *Life of William Earl of Shelburne,* 2 vols. (London: Macmillan and Company, 1912).

French, Allan, *The First Year of the American Revolution* (Boston: Houghton Mifflin Company, 1934).

This work contains a few tidbits on the question of reconciliation not found elsewhere, but it pays too much attention to what went on in and around Boston and neglects what happened elsewhere in the "First Year."

Harlow, Ralph V., *Samuel Adams, Promoter of the American Revolution* (New York: Henry Holt and Company, 1923).

Hazelton, John H., *The Declaration of Independence—Its History* (New York: Dodd, Mead and Company, 1906).

This volume includes several valuable little items of official and public opinion upon the question of reconciliation.

Hill, Charles E., *Leading American Treaties* (New York: The Macmillan Company, 1922).

Hinkhouse, Fred J., *The Preliminaries of the American Revolution As Seen in the English Press, 1763–1775* (New York: Columbia University Press, 1926).

It gives an excellent brief of the classes pro and con upon the American question.

Johnson, Allen (ed.), *Dictionary of American Biography,* 20 vols. and Index (New York, 1928–1937).

Johnston, Henry P., *The Campaign of 1776 Around New York and Brooklyn,* in the Long Island Historical Society, *Memoirs,* Vol. III (Brooklyn, New York: Published by the Society, 1878).

This work has a brief account of the Staten Island Conference.

Lee, R. H., *Life of Arthur Lee, LL.D.,* 2 vols. (Boston: Published by Wells and Lilly, Court Street, 1829).

This work contains a few letters and references to reconciliation.

Lee, Sidney (ed.), *Dictionary of National Biography,* 22 vols. (London, 1908–1909, a reissue).
This series was valuable in tracing British officials.

Mahon, Lord, *History of England,* 7 vols. (London: John Murray, 1858).

Miller, John C., *Sam Adams, Pioneer in Propaganda* (Boston: Little, Brown and Company, 1936).
This work is an excellent interpretation of Sam Adams.

Monaghan, Frank, *John Jay* (New York and Indianapolis: The Bobbs-Merrill Company, 1935).
This is valuable for the part of Jay in Spain and a brief account of the Spanish efforts at mediation and a truce.

Moore, Frank, *Diary of the American Revolution,* 2 vols. (New York: Charles T. Evans, 1863).
This book is a collection of extracts from the contemporary newspapers on both sides of the question.

Moore, George H., *The Treason of Charles Lee, Major General, Second in Command in the American Army of the Revolution* (New York: Charles Scribner, 1860).

Mumby, A. A., *George III and the American Revolution: the Beginnings* (Boston and New York: Houghton Mifflin Company, 1923).
This contains a few points of interpretation concerning reconciliation.

Namier, L. B., *England in the Age of the American Revolution* (London: Macmillan and Company, 1930).
This is an excellent background study.

Nevins, Allan, *The American States During and After the Revolution, 1775–1789* (New York: The Macmillan Company, 1927).
This excellent volume pays due attention to the question of reconciliation and its effect upon the states.

Perkins, James B., *France in the American Revolution* (Boston: Houghton Mifflin Company, 1911).

Sparks, Jared (ed.), *Lives of Charles Lee and Joseph Reed,* in *The Library of American Biography,* 25 vols. (Boston, 1834–1848).

This volume traces hurriedly the career of two men who shared the spotlight briefly in the movement for reunion—Lee by his capture and desire for a conference in 1776, and Reed by his refusal of Johnston's bribe in 1778.

Stillé, Charles J., *The Life and Times of John Dickinson 1732–1808,* in the Historical Society of Pennsylvania, *Memoirs,* 2 vols. (Philadelphia: The Historical Society of Pennsylvania, 1891).

This is a sympathetic treatment of Dickinson; it also gives a fairly complete analysis of the Continental Congress of 1774 and 1775.

Trevelyan, George O., *The American Revolution,* Parts I–III (New York: Longmans, Green, & Company, 1899–1907).

———, *George the Third and Charles Fox,* 2 vols. (New York: Longmans, Green, & Company, 1916).

Turberville, Arthur S., *The House of Lords in the XVIIIth Century* (Oxford: at the Clarendon Press, 1927).

This book is excellent for certain sidelights on the British political situation, giving brief accounts of behind the scenes agitation of the question of reunion.

Van Doren, Carl, *Benjamin Franklin* (New York: Viking, 1938).

Van Tyne, Claude H., *The Founding of the American Republic,* 2 vols. (Boston: Houghton Mifflin Company)—Vol. I (1922), *Causes of the War of Independence;* Vol. II (1929), *The War of Independence.*

This is probably the best history of the war as far as it goes. Within its limits it pays full attention to the effect of reconciliation upon the Revolution and the Franco-American alliance.

———, *The Loyalists in the American Revolution* (New York: The Macmillan Company, 1902).

Though brief, this volume reveals at many points the reaction of the Loyalists to the various peace offers and shows clearly that until 1778 they had little to support them in their open plea for reunion.

Warren, Mrs. Mercy, *History of the Rise, Progress and Termination of the American Revolution,* 3 vols. (Boston, 1805).

Wells, William V., *The Life and Public Services of Samuel Adams,* 3 vols. (Boston: Little, Brown, and Company, 1865).

These volumes contain several original documents not easily available elsewhere; however, they ignore some of the practices of Samuel Adams which Mr. Miller's more recent life clarifies and dubs propaganda.

Articles

These articles are self-explanatory. Each of them contains interpretative sidelights of interest.

Allaben, Winthrop G., "Why the Alliance of 1778?" in *The Journal of American History,* XXII (1928), 197–205.

Andrews, Charles M., "The American Revolution; An Interpretation," in *The American Historical Review,* XXXI (January, 1926), 219–32.

Burnett, Edmund C., "Note on American Negotiations for Commercial Treaties, 1776–1786," in *The American Historical Review,* XVI (April, 1911), 579–87.

Corwin, Edward S., "The French Objective in the American Revolution," in *The American Historical Review,* XXI (1915–1916), 33–61.

Davidson, Philip G., "Whig Propagandists of the American Revolution," in *The American Historical Review,* XXXIX (April, 1934), 442–54.

This is an excellent article, one of the first on this topic, analyzing the methods of propaganda by which colonial writers defeated among other things the Carlisle peace effort of 1778.

Flick, Alexander C., "Loyalism in New York During the American Revolution," in *Studies in History, Economics and Public Law,* Vol. XIX, No. 1 (New York: The Columbia University Press, 1901).

Ford, Paul L., "Lord Howe's Commission to Pacify the Colonies," in the *Atlantic Monthly,* LXXVII (June, 1896), 758–62.

Guttridge, George H., "David Hartley, M.P., An Advocate of Conciliation, 1774–1783," in the University of California, *Publications in History,* XIV (April 9, 1926), 231–336.

Guttridge, George H., "Lord George Germain in Office, 1775–1782," *The American Historical Review,* XXXIII (1927–1928), 23–42.

Hill, David J., "Franklin and the French Alliance of 1778," *Records of the Columbia Historical Society,* XXXI–XXXII (1930), 151–73.

Mahan, Alfred T., "Admiral Earl Howe," in the *Atlantic Monthly,* LXXIII (January, 1894), 20–37.

Meng, John, J., "Secret Aid to the American Revolution," in *The American Historical Review,* XLIII (July, 1938), 791–95.

Miller, Margaret, "The Spy Activities of Doctor Edward Bancroft," in *The Journal of American History,* XXII (1928), 70–77, and 157–70.

Muzzey, David S., "Thomas Paine and American Independence," in *The American Review,* IV (May, 1926), 278–88.

North, Lord, "The Prime Minister: A Personal Memoir," in *The North American Review,* CLXXVI (1903), 778–91; continued in CLXXVII, 260–77.

Schlesinger, Arthur M., "The American Revolution Reconsidered," in *Political Science Quarterly,* XXXIV (March, 1919), 61–78.

Tatum, Jr., Edward H., "Ambrose Serle, Secretary to Lord Howe, 1776–1778," in *The Huntington Library Quarterly,* Vol. II, No. 3 (April, 1939), 265–84.

Van Tyne, Claude H., "Influences Which Determined the French Government to Make the Treaty with America, 1778," in *The American Historical Review,* XXI (April, 1916), 528–41.

———, "Influences of the Clergy, and of Religious and Sectarian Forces, on the American Revolution," in *The American Historical Review,* XIX (October, 1913), 44–64.

———, "French Aid Before the Alliance of 1778," in *The American Historical Review,* XXXI (October, 1925), 20–40.

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